

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.1846, 1849 & 1860 of 2019

COMMON ORDER:

Since the issue raised in all these writ petitions is one and the same, they are heard together and being disposed of by way of this common order.

2. All the petitioners have applied for the post of Police Constable in pursuance of the Notification issued by the respondents to the various categories of posts in different police organizations and the petitioners in their applications claimed that they possessed Heavy Motor Vehicle (HMTV) licence. According to the petitioners, the persons possessed HMTV licence will be entitled to '6' weightage marks and the petitioners further contended that the persons who are possessing Light Motor Vehicle (LMV) licence up to three years are entitled to '3' weightage marks and for above three years are entitled to '5' weightage marks. They further contended that their cases were not considered under the category of HMTV licence on the ground that they have obtained driving licence after the notification was issued and they have incorrectly filled up the application forms. They further contended that their cases can be considered at least in the category of LMV licence since even if HMTV licence is not taken into account, still the petitioners will come within the zone of consideration.

3. The petitioners further contended that when a similar issue fell for consideration before a Division Bench of this Court in W.A.No.163 of 2018, dated 26-02-2018, this Court held as under:

“It is not in dispute that the respondent was having light motor vehicle licence on 17-02-2004 and acquired heavy motor vehicle licence on 28-01-2015. It is not the case of the appellants that had the petitioner was not mentioned heavy motor vehicle licence, he would not have been selected because, for the HMTV licence, 6 marks would be given, whereas for possession of light motor vehicle licence continuously for a period of three years, 5 marks would be given. Admittedly, the respondent was having LMV licence for more than 11 years and as such he is entitled for 5 marks and accordingly given 5 marks not 6 marks.”

4. Learned counsel for the petitioners contends that the case of the petitioners can be considered for appointment as Police Constables by duly taking into account the LMV licence as the petitioners would still be within the zone of consideration. Therefore, even if HMTV licence is not taken into account, no prejudice would be caused to the petitioners and they would be entitled for selections based on the LMV licence. Therefore, he submitted that appropriate orders be passed directing the respondents to consider the case of the petitioners for appointment to the post of Constable by duly taking into account the LMV licence and accordingly they may be awarded weightage marks for which they are entitled to.

5. Learned Standing Counsel for the respondents had contended that since the petitioners were claiming weightage marks

for having HMV licence as per the application forms and since they do not have HMV licence, their cases were not considered and accordingly the same were rejected vide proceedings dated 13-12-2017.

6. Admittedly, the respondents have passed impugned proceedings without taking into account the fact that the petitioners have acquired LMV licence, and without properly appreciating the cases of the petitioners. Even if they were awarded one mark weightage benefit for having LMV licence, still the petitioners would be within the zone of consideration.

7. This Court, having considered the rival submissions made by the respective parties, is of the view that even if HMV licence weightage is not extended to the petitioners, it can be seen that petitioners are within the zone of consideration, if LMV licence weightage marks are granted to them.

8. Therefore, the Writ Petitions can be disposed of directing the respondents to consider the cases of the petitioners in accordance with law for appointment to the post of Constable by duly taking into account the LMV licence obtained by them and accordingly award weightage of marks for which they are entitled to, for having acquired LMV licence.

9. With the above observations, these writ petitions are disposed of. No order as to costs.

10. As a sequel, the miscellaneous petitions pending, if any,
shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 25-03-2019
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