

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Letters Patent Appeal No. 315 of 2019 (O&M)

Date of Decision: 27.02.2019

State of Haryana and others

.....Appellants

versus

Naresh Kumar Sharma

.....Respondent

CORAM: **HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
 HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Deepak Balyan, Addl. Advocate General, Haryana,
 for the appellants.

KRISHNA MURARI, CHIEF JUSTICE (oral)

CM No. 701-LPA of 2019

Heard. For the reasons mentioned in the application, delay of
45 days in filing the appeal is condoned. Application stands disposed of.

CM No. 700-LPA of 2019

Heard. For the reasons mentioned in the application, delay of
164 days in re-filing the appeal is condoned. Application stands disposed of.

Letters Patent Appeal No. 315 of 2019 (O&M)

This intra-court appeal under Clause X of the Letters Patent is
directed against the judgment and order dated 02.05.2018 passed by the
learned Single Judge allowing the writ petition filed by the respondent-
herein challenging the order dated 15.02.2017 cancelling his selection on the
post of driver.

2. The facts in brief required to be noticed are as under:-

Haryana Staff Selection Commission issued an advertisement No.3/2009 dated 28.02.2009 for recruitment of 1270 posts of drivers (heavy transport vehicle). The respondent-petitioner was one of the applicants and his name was included in the waiting list of general category. Since certain candidates from the select list did not join or were not offered appointment on account of not possessing valid driving licences, waiting list came into operation and offers were made to the candidates of the waiting list. There was a requirement of verification of the licences of the selected candidates before issuing appointment letters. Accordingly, the licence of the respondent-petitioner was also sent for verification. As per verification report, no record of the alleged licence was found in the office of the Regional Transport Authority, Delhi, from where the licence was issued and accordingly the appointment was declined.

3. It may be noted at this stage that the Licencing Authority did not report the licence to be fake but what was stated in the report that no record was available in their office regarding the concerned licence. The case set up by the respondent-petitioner was that the licence was subsequently renewed by the Licencing Authority at Bhiwani on various occasions. To support the averment, information under the Right to Information Act was obtained by the respondent-petitioner from the Licencing Authority, Bhiwani where under he was informed that DL No.702-DL-13-97-C-920/2988, New Delhi was renewed upto 10.03.2007 w.e.f. 02.05.2004 and again w.e.f. 09.07.2007 to 25.11.2013 and lastly upto 2020.

4. Learned Single Judge proceeded on the assumption that once the licence has been renewed by the competent authority it must have been on the basis of the requisite procedure and after obtaining all the information from the issuing authority. He also placed reliance upon a judgment dated 15.11.2017 rendered in Civil Writ Petition No. 20832 of 2015 **Sarjeet Singh v. State of Haryana and others** by a coordinate Bench. Treating the respondent-petitioner to possess a valid driving licence for heavy transport vehicle, learned Single Judge set-aside the order dated 15.02.2017 and directed offer of appointment after completing the requisite formalities. Since the Licencing Authority of Delhi which originally issued the licence itself did not report that the licence was fake but rather the verification could not be made for non-availability of the record and the said licence has subsequently been renewed from time to time. Thus a natural presumption is that when first it was renewed by the Licencing Authority at Bhiwani it must have been done after following the procedure that is verification of the genuineness of the licence. The respondent-petitioner cannot be faulted if the record of the Licencing Authority at Delhi is not available.
5. For the aforesaid facts and reasons we find no good ground to take a view different from the one taken by the learned Single Judge. The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

27.02.2019
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√