IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19216 of 2018
Date of Decision: September 6th, 2019

Anil Kumar

...Petitioner

Versus

State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Jagjeet Beniwal, Advocate,
for the petitioner.

Mr. Hitesh Pandit, Addl.A.G.Haryana,
for the State.

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AMIT RAWAL, J.

In pursuance to the selection process initiated by respondent No.3-Haryana Staff Selection Commission by causing Advertisement No.4 of 2017 dated 18.05.2017, applications were invited for filling up 2038 posts of Heavy Vehicle Drivers consisting of general category and other categories under different reservations, including displaced persons etc. Petitioner being aspirant submitted an application and uploaded his driving licence bearing No.HR-2120120075840, Non-transport valid upto 01.01.2032 and Transport valid upto 13.07.2018 for MC with gear, TRV-PSV-Bus, TRV Rigid Chasi, LMV-NT-Car only. It had also endorsement of validity of HTV upto 13.07.2018 w.e.f. 15.07.2015.

Mr. Jagjeet Beniwal, learned counsel representing the petitioner submitted that the petitioner had the experience of three years, which is one of the essential condition for consideration as per the experience certificate

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Annexure P-2 reflecting that he had been plying a Bus w.e.f. 01.05.2014 to 30.05.2017. Petitioner, had, also cleared the proficiency test and found successful, rather issued appointment letter dated 16.04.2018 (Annexure P-8), thus, the impugned action of the respondents in not allowing him to join the duty is wholly erroneous.

Per contra, Mr. Hitesh Pandit, learned Additional Advocate General, Haryana representing the State submitted that the petitioner does not fulfill the condition of three years experience as his endorsement of Heavy Transport Vehicle (HTV) was w.e.f. 15.07.2015 and the period of three years was not completed as on 24.06.2017, i.e., last cut off date for submission of the application. In other words, he had experience of only two years. Reference has also been made to Annexure R-3, i.e., report of the driving licence, revealing that the endorsement of the transport vehicle was valid from 14.07.2015.

I have heard the learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions of the learned counsel for the petitioner.

It would be necessary to reproduce the eligibility condition and as well as contents of Annexure P-2. The same are extracted herein below:-

> *"E.Q.*
>
> *i) Matric;*
>
> *ii) Should hold driving licence of heavy transport vehicle with three years experience of driving heavy transport vehicle;*
>
> *iii) Should have passed the driving tests conducted by the Haryana Staff Selection Commission;*
>
> *iv) Should not be a colour blind;*
>
> *v) Knowledge of Hindi/Sanskrit up to Matric Standard or higher education."*

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Contents of Annexure P-2

EXPERIENCE CERTIFICATE

Certified that Anil Kumar son of Sh.Satbir Sigh is resident of village Mandha Tehsil Narnaund,District Hisar. He worked as HTV driver in our company on bus No.HR46-B 4503 from 01.05.2014 to 30.05.2017. During this period not any case was registered and nor he was challaned. His work is satisfactory. We pray for his bright future."

On cumulative reading of the aforementioned, petitioner though at the first instance appears to have fulfilled the condition, but Annexure R3/-1 and the endorsement of the driving licence reveal that he had permission to drive HTV w.e.f. 15.07.2015. He may have experience for driving HTV vehicle, but in the absence of the licence on record does not fulfill the essential qualification and rightly so, the defect was sought to be corrected before joining. The action of the respondents cannot be said to be vague, illegal or arbitrary. The writ petition is accordingly dismissed.

September 6th, 2019 **(AMIT RAWAL)**
ramesh **JUDGE**

Whether speaking/reasoned Yes/No
Whether Reportable: Yes/No

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