

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

**CWP NO. 26344 OF 2019
DATE OF DECISION : 17.09.2019**

Gurpal Singh

...Petitioner

versus

Union of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. P. K. Sehrawat, Advocate,
for the petitioner.

ARUN MONGA, J. (ORAL)

Grievance of the petitioner herein is that without passing any written order, he has been verbally told that his candidature for the post of Driver Mechanical Transport (Ordinary Grade), pursuant to advertisement No.1/2019 dated 01.06.2019 (Annexure P-1) has been cancelled since he did not annex the photocopy of driving license along with his duly filled up application form. Hence, the writ petition.

2. Notice of motion.
3. On advance service of copy of the petition, Mr. Vivek Chauhan, Advocate has put in appearance on behalf of respondent-Union of India.
4. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

5. Learned counsel for the petitioner has drawn my attention to the application form, particularly the information given at serial no.17 which is as below :

"17. Particulars of Driving Licence (for Drivers MT, Road Roller and OEM's only)

Licence Number	Date of Issue	Issuing Authority	Initial validity period of licence	Renewals upto if any
LMV				
HMV				
Others				

(Attach photostat copy of Driving Licence in support)"

6. The above clearly states that the application has to be accompanied with the photocopy of driving license in support of his application, being a qualified driver. After the applications are received, the same are scrutinized. After scrutiny, the eligible candidates were short listed for issuance of call letters vide Annexure P-3 and the list of eligible candidates was displayed on the web-site, wherein 65% cut off marks were also stated as one of the eligibility conditions. In the list of eligible conditions, the name of petitioner is reflected at serial No.163.

7. Not only petitioner's name is reflected in the list of eligible candidates, he was also issued an Admit Card (Annexure P-4). Pursuant thereto he has to report on 19.09.2019 for further selection process viz. Physical Test, Practical Test and Written Test. While the petitioner was making all the preparations for undertaking the test on 19.09.2019, as a bolt from the blue, he received a telephonic call from one person who said he is calling from GREF Centre, Pune and conveyed that petitioner's

candidature/ application has not been accepted since he did not append the photocopy of driving license with his application form. He need not to, therefore, come on 19.09.2019 for further selection process/examination.

8. I have heard learned counsel for the petitioner, as also learned counsel for respondent-UOI.

9. I am not in agreement with the argument of learned counsel for respondent-UOI that invalid application summarily can be rejected at any stage, as per Clause 6 of the general instructions which are part of the advertisement. The said Clause for ready reference is reproduced herein under :

6. INVALID APPLICATION

(a) An application will be summarily rejected at any stage of the recruitment process for not confirming to the official format/having incomplete information/wrong information/mis-representation of facts/left unsigned/without legible documents enclosed/submitted without fee where due/without an attested photograph by Gazetted Officer pasted at the appropriate place and for submitting more than one application for the same post."

10. While it is not disputed that in case an application is found to be invalid, the same can be rejected but the scheme of scrutiny of application form followed by the list of eligible candidates displayed on the web-site and subsequently issuance of admit card clearly reflects that process of preparation of list of eligible candidates and issuance of admit cards has to be done

after scrutiny of application forms received and the same is not a mechanical exercise. Having once issued admit card to the petitioner, as also having displayed his name on the web-site in the list of eligible candidates, it seems highly improbable that his application was not accompanied with the photocopy of driving license. At best, it seems to be a case of inadvertent misplacing of the photocopy of driving license. For such an inadvertence, the petitioner cannot be unduly penalized, that too when he is not at fault.

11. In the premise, the writ petition is disposed of with a direction to the respondents to provisionally allow the petitioner to undertake the physical test, practical test and written test on 19.09.2019, subject of course to his providing original driving license at the time of examination.

12. Needless to say that in the event his driving license is found to be in order, he would be accorded all the benefits thereof in accordance with law.

13. Copy of the order be given to learned counsel for the petitioner under the signatures of Bench Secretary/Reader of this Court.

(ARUN MONGA)
JUDGE

SEPTEMBER 17, 2019
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Whether speaking/reasoned : Yes/No
Whether reportable :