

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.328 of 2019

In

Civil Writ Jurisdiction Case No.16317 of 2015

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Kumar Gaurav Son of Shambhu Singh Resident of Village-Sonapur
Bharath,P.O.-Hanspur, P.S.-Nayagaon, District-Begusarai (Bihar), Pin
No.851129

... .. Appellant/s

Versus

1. The Union Of India and Ors through the Home Secretary, Government of India, New Delhi
2. Law Secretary, Government of India, New Delhi
3. Deputy Inspector General of Police, Group Center, CRPF, Jhaphan, Muzaffarpur (Bihar)
4. Commandant, Group Center, CRPF, Muzaffarpur (Bihar).
5. Presiding Officer, Selection Board, Constable (Technical/Tradesman), Group Center, CRPF, Muzaffarpur (Bihar).

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Sunil Kumar Singh No.10, Adv
For the Respondent/s : Mr. Dr. K.N. Singh Addl. Solicitor General

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 03-02-2021

Heard the parties.

Being aggrieved by judgement and order dated
29.01.2019 passed in C.W.J.C. No. 16317 of 2015 passed by
learned Single Judge of this Hon'ble Court dismissing the writ
petition, appellant/petitioner has preferred this L.P.A.

Petitioner applied for the post of Constable
(Technical/Tradesman) in CRPF, in terms of advertisement



dated 24.11.2014 and he was declared successful in the written examination as well as Trade Test and was called for medical examination and was found medically fit and was offered appointment to the post of Ct. (Driver), however, during verification of document it was found that he did not possess transport vehicle driving licence which was a mandatory requirement in terms of Advertisement, as such his candidature was cancelled by DIG, Group Centre, Muzaffarpur by his order dated 05.09.2015, against which petitioner filed writ petition bearing C.W.J.C. No. 16317 of 2015 for setting aside the order dated 05.09.2015 by which his candidature was cancelled.

The learned Single Judge vide judgment and order dated 29.01.2019, dismissed the writ petition, observing as follows:-

“The requirement is of possessing “Transport Vehicle” driving license. The expression *Transport Vehicle* has been defined in sub-section (47) of Section 2 of the Motor Vehicles Act, 1988, which includes a public service vehicle, goods carriage, an education institution bus or a private service vehicle. The expression *Transport Vehicle*, therefore, includes Heavy Vehicles within its definition.

Petitioner, admittedly, has license for driving only a light motor vehicle(LMV). He does not possess license for driving Heavy Vehicles.

The rejection of the candidature of the petitioner, therefore, is sustainable in terms of the Advertisement pursuant to which he has made his application.”



As per the terms of advertisement as contained in Annexure-1, it is apparent that candidate should possess a valid transport vehicle driving licence, but petitioner produced Light Motor Vehicle, Non Transport and Motorcycle with Gear licence, as such he was not eligible to be appointed for the said post.

After hearing both the parties and considering the materials available on record, this Court does not find any infirmity or error in the order passed by learned Single Judge, requiring any interference by this Court.

The LPA is accordingly, dismissed.

(Sanjay Karol, CJ)

(S. Kumar, J)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA

