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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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**Date of decision: 16.12.2021**

+ **W.P.(C) 13736/2021**

SHRI ARVIND KUMAR

.....Petitioner

Through Mr Vaibhav Sharma and  
Mr Ghanshyam Jha, Advs.

*versus*

STAFF SELECTION COMMISSION & ANR. ....Respondents

Through Mr Abhishek Singh, Adv. for R-1.  
Mrs Avnish Ahlawat, Standing  
Counsel with Mrs. Tania Ahlawat, Mr  
Nitesh Kumar Singh and Ms. Palak  
Rohmetra, Advs. for R-2.

**CORAM:**

**HON'BLE MR JUSTICE RAJIV SHAKDHER**

**HON'BLE MR JUSTICE TALWANT SINGH**

[Physical Hearing/Hybrid Hearing (as per request)]

**RAJIV SHAKDHER, J. (ORAL):-**

1. This writ petition is directed against the order dated 13.07.2021, passed by the Central Administrative Tribunal [in short, the “Tribunal”] in O.A. No.1285/2021.

2. The petitioner had applied for the post of Sub-Inspector *qua* which an advertisement was taken out, on 03.03.2018 [in short “2018 advertisement”]. The said advertisement was concerned with the recruitment of Sub-Inspectors in Delhi Police and Central Armed Police Forces (CAPFs), which included, *inter alia*, Sashastra Seema Bal (SSB), and Assistant Sub-Inspectors in Central Industrial Security Force (CISF).

2.1. Admittedly, the petitioner qualified the stipulated examination(s) and secured for himself 88<sup>th</sup> rank.

2.2. Although the petitioner has obtained a job in SSB, the grievance of

the petitioner is that, he was not given the appointment in Delhi Police, which was his first preference. What has come in the way of the petitioner is that he did not possess a Light Motor Vehicle ('LMV') license qua a motorcycle, which was the requirement for subject post as per the 2018 advertisement. The relevant paragraph of the said advertisement is extracted hereafter:

**"5. EDUCATIONAL QUALIFICATIONS AS ON 01.08.2018**

*Educational Qualification for all posts is Bachelor's degree from a recognized university or equivalent.*

*Note-I: For the post of Sub Inspector in Delhi Police only: Male candidates must possess a valid Driving License for LMV (Motorcycle and Car) on the date fixed for Physical Endurance and Measurement Tests. However, the candidates who do not have a Valid Driving License for LMV (Motorcycle and Car) are eligible for all other posts in CAPFs."*

3. On the previous date i.e., 03.12.2021, we had asked Mr Abhishek Singh, who appears on behalf of respondent no.1 as well as Mrs Avnish Ahlawat, who appears on behalf of respondent no.2, to ascertain as to whether the license obtained for LMV would include a car as well as a motorcycle.

3.1. Mrs Ahlawat has returned with instructions. Mrs Ahlawat says that, as per the 2018 advertisement, separate license is required for a motorcycle. According to her, a LMV license for a car would not take within its ambit a motorcycle.

3.2. Mr Abhishek Singh submits likewise.

4. To emphasise this point, our attention has also been drawn to Section 10 of the Motor Vehicles Act, 1988 [in short, "MV Act, 1988"], which reads as follows:

*"10. Form and contents of licences to drive.—(1) Every learner's licence and driving licence, except a driving licence*

*issued under section 18, shall be in such form and shall contain such information as may be prescribed by the Central Government.*

*(2) A learner's licence or, as the case may be, driving licence shall also be expressed as entitling the holder to drive a motor vehicle of one or more of the following classes, namely:—*

*(a) motor cycle without gear;*

*(b) motor cycle with gear;*

*(c) invalid carriage;*

*(d) light motor vehicle;*

*[(e) transport vehicle;]*

*(i) road-roller;*

*(j) motor vehicle of a specified description.”*

4.1. A perusal of sub-section (2) of Section 10 of the M.V. Act, 1988 would show that licenses are issued for various classes. As a matter of fact, even for motorcycle, there are two separate classes i.e., motorcycle without gear or motorcycle with gear. Clearly, other vehicles are separately set out in sub-section (2) of Section 10 of the M.V. Act, 1988.

4.2. Concededly, on the cut-off date i.e., 09.09.2019, the petitioner was unable to obtain a license for motorcycle, which was a requirement under the advertisement issued for the subject post i.e., post of Sub-inspector available with the Delhi Police.

5. Given this position, we are of the view that we cannot persuade ourselves to interfere with the impugned order.

6. The writ petition is, accordingly, closed.

**RAJIV SHAKDHER, J**

**TALWANT SINGH, J**

**DECEMBER 16, 2021/pmc**

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