

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

CWP-16190-2018 (O&M)

Date of decision: August 22, 2022

Ved Pal

...Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Devender Arya, Advocate for the petitioner

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for Mandamus directing the respondents to allow the petitioner to join on the post of Driver in terms of order dated 17.04.2018 (Annexure P-1) as the petitioner is not being allowed by respondent No.3 to join duties on flimsy grounds.

2. Succinct factual background first. Pursuant to recommendation dated 04.03.2018 of the respondent-Commission, petitioner was issued appointment letter dated 17.04.2018 (Annexure P-1) on the post of Driver. On 19.04.2018, petitioner was asked to get his medical examination conducted before joining as per Rules. Petitioner appeared before the Civil Surgeon, Yamuna Nagar and he was issued medical examination report (Annexure P-4 colly). Petitioner was not allowed by respondent No.3 to join on the pretext that he is not having 3 years experience as required, only on the basis that the endorsement with regard to entry of transport vehicle in his licence is dated 27.05.2015 and ignoring the experience certificates issued by the SDM High

School, HUI Bhiwani that petitioner worked as a Driver with the said School from 01.01.2013 to 10.01.2016 (Annexure P-3 (Colly)).

3. Concededly, the eligibility condition *qua* the post in question of minimum work experience of 3 years of driving heavy transport vehicle is not under challenge before this Court. Petitioner is seeking a Mandamus on the ground that since he has experience (Annexure P-3 (colly)), therefore, being eligible, he ought to have been selected. Record reflects to the contrary inasmuch as the said experience certificate has to be considered valid only, if the petitioner had also got a valid Heavy Vehicle Transport Driving Licence for the corresponding period of which he is seeking benefit of being qualified with three years of minimum experience. Perusal of the licence as appended with the writ petition reflects that the same is of later date and therefore, if counted from the date of issuance of licence, three years minimum experience is lacking and the petitioner was, therefore, rightly not considered eligible.

4. In the premise, I do not find any irregularity of any kind committed by the respondents warranting interference under the extraordinary writ jurisdiction.

5. Dismissed.

6. Pending applications, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 22, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No