

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4739-2018

Date of decision: 09.11.2022

SUDESH AND ANR

...Petitioners

VS

HARYANA STAFF SELECTION COMMISSION ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Mukesh Yadav, Advocate,
For the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to declare the petitioners as eligible for the post of Driver as they have cleared the written test as well as the DUG test conducted by the respondent.

2. Learned counsel for the petitioners, at the outset, submits that he is under instructions not to press the petition *qua* petitioner No.2. Petition is accordingly dismissed *qua* petitioner No.2 and survives only for petitioner No.1.

3. Facts as pleaded in the petition. Respondent Department invited applications for recruitment of Drivers vide advertisement No.4/2017. Petitioner No.1 applied for the same and successfully

cleared the written examination. Result of written examination was published on 10.11.2017 and as per his own assessment, he secured 110 marks. He was called for document verification and respondents never raised any objection on the qualifications of the petitioner and he was allowed to appear in the DUG test. On 12.02.2018, respondent announced the result of the selected candidates for interview but roll number of the petitioner was not mentioned in the list. Petitioner approached the department and was verbally informed by the respondent department that he was ineligible for the post in question as he does not possess the requisite experience. Hence, the writ petition.

4. I have heard learned counsel for the parties and gone through the case file.
5. In the return, following stand has been taken:-

“4. That the educational qualification required for the said post is as under:

- i. Matric
- ii. **Should hold driving license 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 upto Matric Standard or Higher education.”

XXX XXX XXX

	Roll Number	Scrutiny Status	Reason of Non-Eligibility
Petitioner No.1	1704033632	NOT ELIGIBLE	As per driving license petitioner No.1 was eligible for driving Heavy vehicle from 06.08.2010 and accordingly

			<i>answering respondent calculated the experience certificate of petitioner No.1 from 06.08.2010 to 10.10.2012. Accordingly, petitioner No.1 did not have the requisite minimum experience of 3 years, which was the eligibility condition as per the advertisement.”</i>
--	--	--	---

6. Perusal of the return shows that candidature of petitioner No.1 was primarily rejected on the ground that he did not fulfil the requisite qualifying work experience of 3 years based on his driving licence and which is appended with the application form contained at Annexure R-1. It was valid only from 06.08.2010 and accordingly his work experience was calculated from 06.08.2010 to 10.10.2012. Since the period is less than 3 years, he was held to be ineligible.

7. I have seen the application form contained at Annexure R-1, which has been filled in by petitioner No.1 himself appending his driving licence therewith. A perusal of the backside of said driving licence, where the category of vehicles are mentioned, clearly shows that for LMV (Light Motor Vehicle) and MCWG (Motor Cycle With Gear), the licence was issued with effect from 19.04.2007 whereas for the third category of HTV(Heavy Transport

Vehicle) has been pictorially depicted, the date of licence has conspicuously been stated as 06.08.2010.

8. I am unable to persuade myself with the insipid argument of the learned counsel for the petitioner that the licence for Heavy Transport Vehicle was also with effect from the same date i.e. 19.04.2007, as was the case with regard to LMV/MCWG. It is incomprehensible and in any case beyond common sense as to why the Licensing Authority would conspicuously mention one date (19.04.2007) for LMV/MCWG and different one (06.08.2010) for transport vehicle. Clearly, the said dates were differently stated after verifying the past history of the licence of the petitioner. In any case, petitioner himself has submitted the said licence and no fault can be found with the selection process adopted by the respondents while conducting the scrutiny of the said document. Since the driving licence for the heavy transport vehicle itself is with effect from 06.08.2010, I see no reason as to why petitioner be given benefit of work experience prior to the date when he did not possess the licence for heavy transport vehicle.

9. No grounds are made out to interfere.

10. Dismissed.

11. It is noticed that in typed true copy of licence dated 09.07.2010 (appended as part of Annexure P-5 colly. at page No.83) letters HTV are there but are missing in Photostat copy (Annexure R-1/1) at page No.145 of the original licence appended with job application form submitted to HSSC. Registry is directed not to

CWP-4739-2018 (O&M)

accept the typed true copy of the Annexures wherever it is pictorial and/or photograph bearing document, without verifying and insisting for filing of self attested photocopy thereof, to avoid any mismatch or misrepresentation.

November 09, 2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No