

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

CWP-8133-2018 (O&M)

Date of decision: April 20, 2022

Parmeet

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajneesh Chadwal, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG Haryana.

Mr. Devender Arya, Advocate for respondent No.4.

Mr. Pankaj Mehta, Advocate for respondent No.5.

Mr. R.K. Saini, Advocate for respondent No.7.

Mr. Abhimanyu Singh, Advocate for respondent No.8.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari quashing the Result dated 03.03.2018 (Annexure P-4) *qua* selection for the post of Heavy Vehicles Drivers. Petitioner claims that he was ignored and not called for interview despite his successfully clearing written examination and Driving Proficiency Test. Whereas, candidates who did not possess requisite eligibility qualification, have been selected.

2. *Apropos*, following stand has been taken in Para-6 of the return filed by respondents:-

“6. That it is pertinent to mention here that the candidates applying for post in question were required to have minimum 3years experience driving heavy vehicles. But in present case, it is worthwhile to mention here that the petitioner has submitted his experience certificate of Driving from “Rashtriya Sr. Sec. School” from the period commencing from 28.03.2013 to 19.06.2017. Copy

of experience certificate is annexed as Annexure R-3/2. On other hand, the petitioner was eligible to drive Heavy Vehicle from dated 21.11.2014 according to the license issued by RTA Rewari, bearing DL No.HR-4720080206153 on which issuance date is 14.07.2008 but for authorization to drive PSVBUS (Heavy Vehicle) is from 21.11.2014 only and same is annexed as Annexure R-3/3. Hence, keeping in view the above facts the experience of the petitioner prior to the date of that authorization to drive heavy vehicle and experience certificate prior to license date cannot be considered.

It is pertinent to mention here that the experience certificate which the petitioner submitted is of prior date i.e. before issuance of licence of heavy vehicle. The petitioner was issued licence on 21.11.2014 whereas the experience certificate is for the period 28.03.2013 to 19.06.2017. Therefore the experience prior to date of issuance of Heavy Vehicle Licence cannot be considered as experience as the same is calculated after issuance of the licence. Therefore, the petitioner was rightly considered “Not Eligible” for post in question by the respondent-Commission as the petitioner was not fulfilling requisite qualification. ”

3. *Ex facie*, being a factual dispute, it cannot be adjudicated by resorting to the extraordinary writ jurisdiction. In any case, no replication has been filed, it has thus not been controverted that the petitioner had indeed given work experience certificate dated 19.06.2017 for the period commencing from 28.03.2013 to 19.06.2017, which is prior to the date of his driving license dated 21.11.2014 (Annexure R3/3) for driving heavy vehicles. Being so, he could not have completed requisite minimum 3 years’ experience as per the eligibility condition advertised by the respondents.

4. No grounds to interfere. Dismissed.

5. Needless to say that dismissal of the writ petition shall not come in the way of the petitioner to compete for the future vacancies, as and when advertised, if found eligible.

(ARUN MONGA)
JUDGE

April 20, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No