

213-3

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: November 15, 2022
CWP-9389-2018 (O&M)

Gopal Kashyap

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Suresh Kumar Kaushik, Advocate for the petitioner(s).

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 quashing impugned final result dated 03.03.2018 (Annexure P-6) and subsequent recommendation list dated 04.03.2018 (Annexure P-7) pertaining to selection of Heavy Vehicles Drivers in the Haryana Roadways. Further, issuance of writ in the nature of Mandamus directing the respondents to hold a detailed inquiry into the matter and to prepare a revised final result.

2. First, succinct factual background, as pleaded in the petition. Respondent No.3-Commission issued an advertisement No.4/2017 dated 18.05.2017 (Annexure P-1) for various posts including Heavy Vehicle Driver. Petitioner applied for the said posts in BCA category. Result for written examination was declared and petitioner was called for driver proficiency test vide notice dated 10.11.2017. Thereafter, respondent No.3 again called 9,555 candidates for Scrutiny of Documents-cum-Proficiency Test from 16.12.2017 onwards. Petitioner also appeared for the interview.

But petitioner's roll number was not found in the final result dated 03.03.2018 (Annexure P-6) and has been left out from the zone of selection for the said post, despite clearing written examination as well as Scrutiny of Documents-cum-Driving Proficiency test.

3. I have heard rival contentions of learned counsel for the parties and perused the record.

4. In the return dated 21.01.2020 filed on behalf of respondent No.3, following stand has been taken in Paras-6 & 7 thereof:

“6. That the petitioner has obtained total 96 marks (88 marks in written examination + 8 marks in interview). So, due to lesser marks of the petitioner was not selected for the post in question.

7. That the petitioner has also contended that the Respondent-Commission illegally and arbitrarily selected the Respondent No.4 to 7 as they are under age on cut off date for submission of online application forms. In this regard, it is pertinent to mention here that the respondent No.4, 6 & 7 by mistake during filling the application forms mentioned the birth year as 1998 whereas during scrutiny of documents it came to the knowledge of Respondent-Commission that the birth year has wrongly been mentioned as 1998 whereas according to their Aadhar Card and other supporting documents the birth year of candidates is 1989 not 1998. Further, while sending the recommendations of the candidates the Respondent-Commission also inadvertently mentioned their birth year as 1998 instead of 1989.

Further, with respect to respondent No.5 it is submitted here that his birth year is 1995 which shows that the petitioner was not under aged on the closing of submission of application form. Therefore, the Respondent-Commission has rightly selected the candidates as the Respondent No.4 to 7 are not under aged at the time of sending their recommendations to the concerned department. The copy of documents showing actual age of respondent No.5 to 8 is annexed as Annexure R-3/3.”

5. No further affidavit and/ or any replication has been filed controverting the aforesaid stand taken by the respondent No.3-Commission.

6. In the premise, since the above position remains uncontroverted and I am in agreement with the stand taken therein, writ petition lacks any merit and is accordingly, dismissed. In any case, trite it is to say that having remained unsuccessful, petitioner has challenged the selection process merely on the basis of certain vague allegations without there being any supportive material, and therefore, having unsuccessfully participated in the process, it is too belated to challenge the selection of those, who have been successful.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

November 15, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No