

213-8

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

Date of decision: November 15, 2022  
CWP-9602-2018 (O&M)

Narender Singh and another

.....Petitioners

versus

State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:** Mr. S.K. Hooda, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG Haryana.

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**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-3) and subsequent recommendation list (Annexure P-4) pertaining to selection of Heavy Vehicles Drivers in the Haryana Roadways. Further, issuance of a writ in the nature of mandamus directing respondent No.4 to hold a detailed inquiry into the driving licences and experience certificates of the selected candidates 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. Petitioners applied for the said posts in their respective categories. Result for written examination was declared and petitioners were called for driver proficiency test vide notice dated 10.11.2017. They also appeared for the interview. Vide notice dated 03.03.2018 (Annexure P-3), respondent

No.3-Commission issued final result (partial) and the result of 25 posts was withheld to await the outcome of CWP-400-2018 and connected petitions. Respondent No.3-Commission further declared detailed recommendation list (Annexure P-4) whereby fraudulent candidates were selected for the said post.

It is further pleaded that 5 candidates were selected in general category who have taken benefit of age relaxation in their own category and so cannot be considered against a general post in view of Government instructions dated 25.06.1997 and 03.12.2003 (Annexures P-5 and P-6, respectively). Eligibility criteria for selection i.e., candidates should have minimum 3 years experience for Heavy Transport Vehicle on the last date of advertisement i.e. 25.05.2017. But three persons who were less than 20 years of age and one person having less than 22-years of age, were selected on the said post despite not fulfilling the eligibility criteria.

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

*“4. That the petitioners have appeared for the written examination which was held on 06.08.2017. Thereafter, the result of written examination was declared by Commission on 10.11.2017 in which the petitioners were shown as one of the shortlisted candidates. Further, the shortlisted candidates including the petitioners were called for scrutiny of documents-cum-driving proficiency test vide notice dated 10.11.2017. The scrutiny of documents of petitioner No.2 namely Surjit Singh was held on 06.12.2017 in which he was found not eligible as his experience of three year was not completed at the time of scrutiny of documents. The copy of attendance sheet are annexed as Annexure R-3/1.*

*5. That the petitioner No.1 namely Sh. Narender Singh has obtained total 118 marks (110 marks in written examination + 8 marks in interview) the final cut off for General Category was 128 marks. So, due to lesser marks of the petitioner and was not selected for the post in question.*

6. *That the petitioners have also contended that the Respondent-Commission illegally and arbitrarily selected some candidates 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 candidates mentioned by the petitioners as under age 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 of selected candidates whom the petitioners are challenging as under age has wrongly been mentioned as 1998 whereas according to their Aadhar Card and other supporting documents the birth year of candidates is 1988, 1989, 1988 & 1995 respectively.*

*Therefore, the Respondent-Commission has rightly selected the candidates as the Respondent No.5 to 8 and they are not under age at the time of sending their recommendations to the concerned department. The copy of documents showing actual age of challenged candidates by petitioners is annexed as Annexure R-3/2.*

7. *That the other contention of the petitioner is that the respondent-Commission has selected some candidates arbitrarily and illegally as they are over-aged. In this regard, it is submitted that the challenged candidates belong to BCB, BCB, SC, BCB & BCA categories respectively and have been selected under General category on the basis of marks alone inadvertently as the cut off for the General Category was 129, whereas the challenged candidates secured 138, 133, 129, 129, 138 marks respectively which is more or equal to cut-off marks of General category i.e. 129 marks. All these candidates belong to various reserved categories. Now, after the filing of writ petition the error has come to the notice of Respondent-Commission that the challenged candidates cannot be considered against General Category, as they are overage and can be considered against their respective category only. In this regard, corrective measures shall be undertaken within the period of 2 (two) months after checking all the data.”*

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, petitioners have 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