

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

**LPA-1283-2018 (O&M)
Decided on: 07.12.2022**

Gulshan Kumar

.....Appellant(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present:- Mr.J.S.Maanipur, Advocate, for the appellant.

Mr.Sharan Sethi, Addl.A.G., Haryana.

G.S. Sandhawalia, J.

The present Letters Patent Appeal is directed against the order of the learned Single Judge dated 17.04.2018 passed in CWP-9096-2018 titled *Gulshan Kumar Vs. State of Haryana & others*.

The challenge before the Writ Court by the appellant-writ petitioner was to the order dated 27.03.2018 (Annexure P-12) wherein his consideration for the post of Heavy Vehicle Driver against Category No.1 of advertisement No.4 dated 18.05.2017 had been rejected on the ground that the application form of the applicant did not contain copy of the driving licence at the time of the scrutiny of documents. Resultantly, placing reliance upon an earlier order passed by this Court in CWP-22746-2016 titled *Satish Kumar Malik & others Vs. State of Haryana & others*, decided on 15.11.2016 wherein it had been held that firstly the scrutiny should take place and then the formula of short-listing should take place of the eligible candidates so that they are called for the interview and it is not a mixture of eligible and ineligible candidates which method would have distorted the ratio, his representation was rejected. It was accordingly

noticed that the Commission had weeded out the ineligible candidates for interview as per documents submitted by the candidates at the time of scrutiny of documents and therefore, the documents submitted by the appellant after the scrutiny of the documents, could not be considered. The said order had been passed in view of the fact that the appellant had earlier approached this Court in CWP-6139-2018 and concession had been given by the State Counsel that his case would be considered within a period of 2 weeks and the needful was thus done.

The reasons given by the learned Single Judge to dismiss the writ petition was that the writ petitioner did not append the copy of the requisite driving licence at the time of submission of his online application form and he had failed to produce the same even at the time of scrutiny of documents which took place on 15.12.2017. The documents if any had to be scrutinized in original and not at any subsequent stage and therefore, the subsequent representation dated 20.02.2018 would not advance his case as he had already been found ineligible. It was noticed that interview had already been held between 25.02.2018 to 01.03.2018 and the process for selection had been concluded and therefore, it would entail multiple complications for many other candidates who too were declared ineligible during scrutiny and would stake the claim for reconsideration.

Counsel for the appellant has vehemently submitted that there was an interim order in his favour and he has made the necessary cut in pursuance of the provisional interview in as much as on 22.04.2019, the result was not to be declared without leave of the Court but the applicant was to be interviewed provisionally. He accordingly submits that as per the result given in Court, he has obtained 118 marks in the written test and

19 marks in the interview with a grand total of 137. He thus points out from the result dated 03.06.2019 that for BCA category, the merit has gone down to 104 and therefore, he is liable to be appointed.

In our considered opinion the said exercise is only provisional subject to the final decision of the present appeal. As per the terms of the advertisement which was for 2038 posts of Heavy Vehicle Drivers and 930 posts of Conductors, the eligibility criteria for the post of Driver was that he should be holding a driving licence of heavy transport vehicle with 3 years of experience of driving heavy transport vehicle. The application was to be filed online and all original certificates and testimonials of educational qualifications and other documents were to be brought at the time of interview. Relevant portion reads as under:

“DOCUMENTS TO BE BROUGHT AT THE TIME OF INTERVIEW/viva

- i) All original certificates/documents/testimonials of educational qualifications and other documents mentioned in the online applications and one set of self attested copies of all these certificates.
- ii) Printed Copy of online application form alongwith latest stamp size photograph duly attested by a gazette officer and pasted on the application form.
- iii) Original proof of earlier fee deposited i.e. Treasury Challan/ Credit Certificate issued by concerned treasury etc.”

Similarly, having the essential qualifications never entitled the candidates to be called for the interview and the Commission could hold a written examination for judging the eligibility/suitability of the candidates. The essential qualifications reads as under:

- “i) Matric;
- ii) Should hold driving Licence 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 up to Matric Standard or higher education.”

In view of the judgment in Satish Kumar Malik (supra) as referred above, the scrutiny of documents had been done after the finalization of the result was firstly declared on 03.03.2018 and thereafter, the final result was declared on 03.06.2019. The purpose of scrutiny of documents on which date the writ petitioner never produced the original certificates which was done from 27.11.2017 onwards as per the public notice dated 10.11.2017 cut him out of the interview process in view of the directions passed by the learned Single Judge of this Court as the ineligible were weeded out. The terms of the notice was categorically clear that the original documents had to be brought. The relevant portion reads as under:

“NOTE:- 1. The Scrutiny of Documents cum Driving Proficiency Test (Driving Test) of the above candidates will be held from 27.11.2017 onwards in various Districts. The Schedule will be notified shortly on the Commission’s website. The candidates are advised to report as per date, time and venue to be notified as per schedule. They are also directed to bring all original documents, set of self attested copies of all documents, one Id Proof and copy of downloaded application form.”

Apparently, the writ petitioner did not comply with the said requirement at the time of the scrutiny of documents which was done on 15.12.2017 and it was on that account his case was rejected. A perusal of the application form which has even been appended with the writ petition would go on to show that the application form for the post of Heavy Vehicle Driver of the Transport Department for which the petitioner is

contesting was not attached with the writ petition i.e. for the post of Conductor, Category No.2, the said application form had been attached. As per the terms of the advertisement, scanned copy of the essential qualifications were also to be necessarily attached and therefore, there is nothing on record to show that he had uploaded the copy of the driving licence also which would show that he had attached the necessary documents of Matriculation also which was the requirement.

In such circumstances, we are of the considered opinion that on account of his own lapse the benefit cannot accrue to the appellant who has chosen not to take the originals along with him when the scrutiny process was on and the weeding out was done of the ineligible candidates having fallen in the ratio of the ineligibles and he was not entitled for consideration afresh as only 2 times of the original candidates had to be called for the interview. In such circumstances, we do not find any infirmity in the order passed by the learned Single Judge dated 17.04.2018 as it is settled position that selection is a time-bound process and it cannot be extended only on account of the fact that a person chooses not to take along with him the original documents at the time of interview. Accordingly, finding no merit in the present appeal, the same is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

07.12.2022
Sailesh

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No