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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.11117 OF 2022

Ganesh Maruti Jagtap

..... Petitioner

Vs.

Superintendent of Police and Ors.

..... Respondents

Ms.Purva Pradhan h/f Mr.Dinesh B. Khaire for the
Petitioner

Mr.B.V.Samant, A.G.P. for the State

**CORAM: S.V. GANGAPURWALA, ACJ &
SANDEEP V. MARNE,J.**

DATED : APRIL 19, 2023

P.C.

1 The Petitioner had applied for the post of Police Driver-Constable pursuant to the advertisement dated 30.11.2019. The written examination was conducted on 13.10.2021. The document verification process was conducted on 22.10.2021. The Petitioner did not possess the valid driving license as on the date of the Application.

2 The learned Counsel for the Petitioner submits that the last date for the valid license was extended upto

08.01.2020. On 07.12.2019, the driving test of the Petitioner was conducted by Respondent no.3 and on the said date, the Petitioner is shown to have passed the driving test. However, because of the technical and administrative glitches, the license was issued on 14.01.2020.

3 The learned Counsel submits that the Petitioner is not at fault for the Respondent no.3 in issuing the license late. The test was already conducted on 07.12.2019 and that ought to be the relevant date. The Petitioner had secured 70 marks in the written examination. According to the learned counsel, the Respondents be directed to consider the Petitioner for appointment. The Tribunal failed to consider the communication issued by Respondent no.3 to the Superintendent of Police that the driving test was conducted of the Petitioner on 07.12.2019 and only because of the technical reasons, the approval was granted on 14.01.2020. The learned counsel submits that though subsequent selection process has been conducted, the Petitioner deserves to be considered for appointment. The Petitioner for subsequent selection process has become age bar.

4 Mr.Samant, the learned A.G.P. submits that the document verification was conducted on 18.10.2021 and the appointment orders are issued to the candidates on 24.01.2022. All 44 posts advertised are filled in. The candidates after appointment are sent for training. They have completed the training also.

5 We can only observe that the Petitioner was unfortunate. It appears from the letter issued by Respondent no.3 that the driving test of the Petitioner was conducted on 07.12.2019. However, the driving license could be issued only on 14.01.2020 and the last date for a person to have a valid driving license was 08.01.2020.

6 The entire selection process has come to an end. All the posts advertised are filled in by the Respondents as contended by the Respondents.

7 The physical test of the Petitioner was not conducted and even in the written test, the Petitioner was at Serial No.85. Posts were only 44.

8 Considering all the aforesaid aspects of the matter, prayer of the Petitioner now cannot be considered.

9 Writ Petition is disposed of. No costs.

(SANDEEP V. MARNE, J.) (ACTING CHIEF JUSTICE)