

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

211+101

CWP-6652-2019 (O & M)
Date of decision:20.01.2023

MUKESH KUMAR

...PETITIONER

VS.

STATE OF HARYANA AND OTHERS

...RESPONDENS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. U.K. Agnihotri, Advocate,
Mr. Anshul Agnihotri, Advocate,
Mr. A.K. Agnihotri, Advocate and
Mr. Vikas, Advocate for
Mr. Raman Gaur, Advocate for the petitioner.

Mr. R.K.S. Brar, Addl. A.G., Haryana.

SUVIR SEHGAL J.

CM-19234-CWP-2022

Application is allowed as prayed for.

Replication to the written statement filed by respondents No.1 to
3, is taken on record.

Main Case

Instant writ petition has been filed under Article 226/227 of
Constitution of India for issuance of a writ in the nature of mandamus
directing the respondents to take the petitioner on duty as he has been
selected for the post of Heavy Vehicle Driver by respondent No.4-Haryana
Staff Selection Commission (for short - "Commission"), pursuant to
advertisement No.4 of 2017, Annexure P-1, and offer of appointment vide
letter No.1328 dated 17.04.2018, Annexure P-6.

Vide advertisement, Annexure P-1, Commission-respondent
No.4 invited applications for various posts including 2038 posts of Heavy

Vehicle Driver for State Transport Department Haryana. Petitioner applied for the post in category reserved for OSP-SC. He cleared the written examination, the driving proficiency test as well as the interview and was issued offer letter, Annexure P-6, dated 17.04.2018, but was not permitted to join, even though, his medical examination was successfully conducted. Writ petition has been contested by filing response on behalf of respondents No.1 and 3, wherein it has been submitted that the petitioner did not possess the requisite experience of driving heavy transport vehicle on the closing date of submission of the application i.e. 24.06.2017. Stand taken by the respondents has been controverted by the petitioner by filing a replication.

Counsel for the parties have been heard and the documents appended with the paper-book, have been examined with their able assistance.

The essential qualifications for the advertised post of Heavy Vehicle Driver as mentioned in the advertisement, Annexure P-1, are as under:-

- “i) Matric;*
- ii) Should hold driving License 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.”*

Alongwith the replication, petitioner has appended his driving licence, Annexure P-9, which shows that the petitioner was granted licence for driving of LMV and MCWG on 16.09.2009 and permission to drive transport/heavy vehicles was granted on 26.02.2015. The two experience certificates, Annexures P-4 and P-5, respectively, appended with the petition and produced before the authorities, show that the petitioner was

working as a driver from 26.02.2015 to 01.02.2016 and from 01.02.2016 till 11.11.2017 i.e. the date of issuance of experience certificate, Annexure P-5. It is apparent that the petitioner did not possess the requisite experience of 03 years of driving a heavy transport vehicle till the last date of the advertisement.

Much stress has been laid by counsel for the petitioner on experience certificate dated 15.01.2014, Annexure P-10, to submit that the petitioner had been driving a bus since 01.10.2009. This certificate would not help the petitioner as the authorization to drive a heavy motor vehicle was granted to the petitioner on 26.02.2015 and any experience gained by him prior to the said date, cannot be counted towards the essential qualifications. Still further, it is evident that both the experience certificates, Annexures P-11 and P-12, respectively, have been issued after the cut-off date and they do not reflect as to whether the petitioner was driving a heavy transport vehicle.

In view of the above, this Court is of the view that as the petitioner did not possess the requisite experience, he is not entitled for appointment.

Finding no merit in the petition, it is hereby dismissed.

20.01.2023

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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No