

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(221)

CWP No. 5694 of 2018

Date of Decision : 13.09.2023

Mahender

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Anshul Agnihotri, Advocate for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. The present petition has been filed challenging the selection process by which, the respondents have made recruitment to the post of heavy vehicle drivers as advertised vide Advertisement No. 4/2017 dated 18.05.2017 (Annexure P-5).

2. Learned counsel for the petitioner argues that the petitioner, who was fully eligible as per the terms and conditions mentioned in the advertisement, competed for the post of heavy vehicle driver and he had also cleared the driving test but ultimately, the petitioner was declared ineligible, which act on the part of the respondents is totally arbitrary and illegal.

3. Upon notice of motion, the respondents have filed the reply stating that while filling up the application form, the petitioner has

submitted an experience certificate to prove his eligibility, according to which certificate, the petitioner's experience is from 20.10.2009 to 20.10.2012, whereas as per the driving license submitted by the petitioner, the authorization to drive a heavy vehicle was only allowed in favour of the petitioner on 16.11.2012, hence, the experience certificate submitted by the petitioner was prior to getting the heavy vehicle license, hence, the same could not have been taken into account.

4. Learned counsel for the petitioner submits that even after getting the license, the petitioner had been working with the same institution and according to the second experience certificate, the petitioner had an experience from 01.06.2013 to 13.03.2017, which experience certificate has not been taken into account by the respondents.

5. Learned counsel for the respondents submits that the experience certificate, which is being relied upon by the petitioner to claim eligibility was never attached with the application form and as per the terms and conditions of the application, only the documents attached with the application form to support the eligibility are to be taken into consideration, hence, the present petition is liable to be dismissed.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. It is a conceded position that the experience certificate, a copy of which has been appended as Annexure P-10 along with the replication, was never submitted along with the application form by the petitioner to show his eligibility. As per the experience certificate

submitted along with the application form, the experience was from the year 2009 to 2012, when concededly the petitioner did not had authorization to drive the heavy vehicle as the license was issued after the period mentioned in the said experience certificate.

8. Keeping in view the above, the action of the respondents in treating the petitioner ineligible cannot be faulted with.

9. No ground is made out for any interference with the present petition.

10. Dismissed.

September 13, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No