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* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: 18.10.2023

+ **W.P.(C) 13740/2023 & CM. APPL. 54284-85/2023**

LILESH KUMAR TIWARI AND ORS.

..... Petitioner

Versus

SASHASTRA SEEMA BAL AND ANR.

..... Respondents

Advocates who appeared in this case:

For the Petitioner: Mr. Ajay Garg, Ms. Tripti Gola, Ms. Lhingdeihat Chongloi and Mr. Arvind Sardana, Advocates.

For the Respondents: Mr. Farman Ali Magrey, Senior Panel Counsel for UOI with Usha Jamnal and Mr. Krishan Kumar, Advocate.

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE MANOJ JAIN

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioners seek quashing of the rejection of the candidature of the petitioners, who had applied for recruitment to the post of Constable (Driver) in the Sashastra Seema Bal (SSB).
2. Respondents had issued an advertisement dated 29.08.2020 advertising vacancies in 16 categories of Constables in the SSB. The concerned category with which the petitioners are concerned is the category of Constable (Driver) for male only.
3. The advertisement stipulates that candidates must fulfil all the eligibility conditions for the applied post and should be in possession



of all certificates as on the last date of the application i.e. 30 days from the date of publication of the advertisement in the Employment News. It is an admitted position that the last date for making an application was 27.09.2020 and all the petitioners submitted their applications prior to the said date.

4. The eligibility conditions for the post of Constable (Driver) were two-fold; (i) matriculation or equivalent from a recognized Board (ii) must possess a valid heavy vehicle Driving License.

5. In terms of the eligibility conditions read with the stipulated date of application, it was mandatory that all candidates who apply for the said post must *inter alia* possess a valid heavy vehicle Driving License as on the closing date of the receipt of the application i.e. 27.09.2020.

6. Candidature of the petitioners has been rejected on the ground that they failed to produce a valid heavy vehicle Driving License which was possessed by them prior to the closing date i.e. 27.09.2020.

7. The petition gives the various dates on which the Driving License was issued to each of the petitioner. We notice that the Driving License was obtained by petitioner No.2 on 30.09.2020 and others had obtained it after October, 2020 and as late as on 04.04.2020. For the sake of completion, the table given by the petitioners in their petition is extracted hereinbelow:-



S. No.	Name	Roll No.	Date of filing the application	License Applied on	Learner's Driving License	Permanent Driving License
1	Lilesh Kumar Tiwari	1070207842	25.09.2020	--	--	12.10.2020 to 11.10.2025
2	Pushkar Mal Phamra	1070610656	09.09.2020	--	--	30.09.2020 to 29.09.2025
3	Rinku Baghel	1070805478	12.09.2020	14.09.2020	--	11.11.2020 to 10.11.2025
4	Ashok Kumar Verma	1070505658	04.09.2020	--	04.11.2019 to 03.05.2020	19.11.2020 to 18.11.2025
5	Sandeep Solanki	1070801368	--	--	--	24.11.2020 to 23.11.2025
6	Rakesh Kumar Rathor	1070514156	02.09.2020	--	18/08/2020 to 17/02/2021	24.11.2020 to 23.11.2025
7	Buddhi Prakash Swami	1070613976	23.09.2020	--	--	25.11.2020 to 24.11.2025
8	Sandeep Kumar	1070614668	21.09.2020	23.09.2020	10.10.2019 to 09.04.2020	18.12.2020 to 17.12.2025
9	Himanshu Sharma	1070801053	--	--	--	29.12.2020 to 28.12.2025
10	Sumit Chaudhary	1070800933	--	04.01.2021	--	09.01.2021 to 08.01.2026



11	Deepak Kalawat	1070508014	--	--	--	14.03.2021 to 13.03.2026
12	Sanjay Kumar Jatav	1070601491	29.08.2020	--	30.09.2020 to 29.03.2021	18.03.2021 to 17.03.2026
13	Niranjan Singh	1070604553	10.09.2020	10.08.2021	--	14.10.2021 to 13.10.2026
14	Bheem Singh Jatav	1070514587	27.09.2020	--	--	16.12.2021 to 15.12.2026
15	Ravinder Singh Rathor	1070613798	14.09.2020	--	--	04.04.2022 to 03.04.2027

8. Clearly from the own showing of the petitioners, none of the petitioners possessed a valid heavy vehicle Driving License as on the last date of making the application i.e. 27.09.2020.

9. Since the advertisement mandated that as on the closing date of application, candidate must possess a valid heavy vehicle Driving License, the application of the petitioners who obtained a License after the closing date has rightly been rejected by the respondents on the ground that they did not satisfy the eligibility condition as on the crucial date.

10. We find no merit in the contention of learned counsel for petitioners that on account of COVID, extension should have been granted to the petitioners to enable them to apply for a License. The eligibility condition was very categorical and required holding of a



valid heavy vehicle Driving License as on the last date of submitting an application. Petitioners never approached any court of law impugning the eligibility condition. Further, there may be several other individuals who noticing the eligibility condition failed to apply. Since the eligibility conditions prescribed by the Department are sacrosanct, this Court would not interfere with the eligibility condition, particularly, after a candidate has already participated in the selection process and has been rejected on the ground that he does not satisfy the requisite eligibility condition.

11. In view of the above, we find that no error has been committed by the respondents in rejecting the candidature of the petitioners on the ground that they did not satisfy the mandatory eligibility condition as required by the subject advertisement.

12. Accordingly, we do not find any merit in the petition. Petition is consequently dismissed.

SANJEEV SACHDEVA, J

MANOJ JAIN, J

OCTOBER 18, 2023/NA