



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(114)

CWP No. 12275 of 2024

Date of Decision : 27.05.2024

Narender Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Dharmender Singh Rawat, Advocate for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the challenge is to the action of the respondents in treating the petitioner failed in the Driving Proficiency Test, for which the petitioner appeared in respect of the selection process for the post of Heavy Vehicle Driver.

2. The respondent-State had advertised the post of Heavy Vehicle Driver vide Advertisement No. 4/2017 dated 18.05.2017, a copy of which has been appended as Annexure P-1 and the petitioner competed for the said post in the category of EBPGC. The petitioner appeared in the written examination and cleared the said examination and further, he was called for the Driving Proficiency Test. In the Driving Proficiency Test, the petitioner was declared failed. The said action of the



respondents was challenged by the petitioner by filing CWP No. 19474 of 2018. During the pendency of the said writ petition, the respondents had passed an order on 26.12.2018, a copy of which has been appended as Annexure P-6, holding that the petitioner failed in the Road Test and hence, his candidature was rightly rejected which order has now been challenged in the present petition.

3. Learned counsel for the petitioner argues that the petitioner has wrongly been declared failed in the Road Test though, while undergoing the said Road Test, the petitioner was never informed that he has failed or he was asked to stop the bus as was being done in the cases of the other candidates who failed in the said Road Test and hence, it has to be treated that the petitioner has passed the said driving test so as to be eligible to be considered against one of the advertised post of Heavy Vehicle Driver dated 18.05.2017 (Annexure P-1).

4. Learned counsel for the petitioner submits that even otherwise, the Driving Test was video graphed and nothing has come on record to show that the petitioner failed the said test hence, on the basis of the videography of the Driving Test, the petitioner be declared eligible to be appointed against one of the advertised post of the Heavy Vehicle Driver.

5. Keeping in view the advance copy given, Mr. Harish Nain, learned Assistant Advocate General, Haryana has put in appearance and has argued that the claim of the petitioner that he has passed the said Driving Test for the post in question, is incorrect. Learned counsel for the



respondents submits that the Driving Test was video graphed and the same qua the petitioner was also put up before a High Power Committee for their consideration and opinion and as per the report of the Committee, the petitioner has failed the Road Test hence, the argument of the learned counsel for the petitioner that he be treated eligible for the post in question by treating him having passed the Road Test, is liable to be rejected.

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

7. It may be noticed that the said Driving Test for the post of Heavy Vehicle Driver is taken by the Experts. The observation of an Expert with regard to the competency of a particular candidate to drive, is not to be substituted by the High Court. Further, the said Driving Test was also video graphed. The candidates were given an option to raise objection qua the decision of the Road Test, which objection was to be presented before the Expert Committee and the Expert Committee was required to make observation after going through the videography of the Road Test.

8. In the present case, the Expert Committee after watching the videography of the Road Test undertaken by the petitioner, opined that the petitioner has failed in the Road Test. Once, the Experts have also opined that the petitioner has failed the said Road Test, this Court will not accept the plea of the petitioner to overrule the opinion of the two different Experts that the petitioner has failed in the Driving Test.



9. Further, the petitioner is to drive the Bus carrying passengers. The Driving Test is to assess the expertise of a candidate in driving the Bus carrying passengers. The normal driving is entirely different as compared to drive a passenger Bus. Hence, the Experts have to be extra conscious in selecting the candidates for the said post keeping in view their driving skill.

10. Once, two different authorities have failed the petitioner in the Road Test, this Court will not interfere in the said opinion so as to treat the petitioner eligible to be appointed on the post in question by declaring him having passed the Road Test.

11. No ground is made out for any interference by this Court in the present petition.

12. Dismissed.

May 27, 2024
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No