

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

215

CWP-11729-2017 (O&M)
Date of Decision :20.11.2024

Krishan Singh**...Petitioner**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab.

Mr. Akshit Dhiman, Advocate for
Mr. Dhiraj Chawla, Advocate for respondent No.4.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, the grievance being raised by the petitioner is qua the selection of private respondent No.4 to the post of Tractor Driver.

Learned counsel for the petitioner submits that the petitioner was a better suited candidate as compared to private respondent No.4 and further that respondent No.4 is not eligible to be appointed on the post in question as he did not had a valid driving license for Tractor driving, which was an essential qualification hence, the selection of respondent No.4 is liable to be quashed and the petitioner being in merit, is liable to be appointed on the post in question.

Upon notice of motion, the respondents have filed reply

wherein, it has been stated that the selection was made on the basis of 10 marks fixed for the interview after a candidate clears the driving test for which, 40 marks were earmarked. As per the respondents, once a candidate clears the driving test, all the candidates were put in the same bracket to be selected and ultimately a candidate, who secures more marks in the interview was selected and keeping in view the marks secured by the petitioner i.e. 03 and by respondent No.4 i.e. 3.66, respondent No.4 was placed higher in merit than the petitioner to be selected on the post in question against the reserved category of scheduled caste.

Learned counsel appearing for private respondent No.4 submits that the assertion of the petitioner that respondent No.4 is not qualified is incorrect. Learned counsel for the respondent No.4 submits that as per the Annexure R-4/1, which is the photocopy of the driving license, the respondent No.4. has been authorized to drive the light motor vehicle (LMV) and even though the endorsement to drive tractor is not on the small driving license issued to the respondent No.4 but he has an experience of driving tractor-trolley, which is a requirement as per the advertisement hence, the assertion of the petitioner that respondent No.4 is ineligible, may kindly be rejected.

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

Once, a particular criteria which has been uniformly applied on all the candidates, have been made applicable for selection to the post of Tractor driver, the petitioner cannot raise any grievance especially, when the petitioner secured less marks in the interview as compared to respondent No.4.

Further, between the petitioner and respondent No.4, there is another candidate namely, Kulwant Singh, who has a better right as compared to the petitioner.

That being so, the argument of the learned counsel for the petitioner that the petitioner is more meritorious than respondent No.4, cannot be accepted.

As far as the contention of the learned counsel for the petitioner that respondent No.4 is not qualified, the same is also incorrect.

Though, in the actual driving license issued to the respondent No.4, there is no endorsement of tractor but the documents on the basis of which the said license was issued carries an endorsement of entitlement of driving the tractor as well. The document Annexure R-4/1 has gone un rebutted.

Keeping in view the said fact, it cannot be said that respondent No.4 is ineligible to hold the post in question hence, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

Civil miscellaneous application pending, if any, is also disposed of.

November 20, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No