

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-17475-2018 (O&M)
Decided on :07.03.2024

DINESH KUMARPetitioner

Versus

STATE OF HARYANA AND ORS . . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Pashant Sethi, Advocate
for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner was fully eligible to compete for the post of Heavy Vehicle Driver as advertised vide advertisement No. 4/2017 dated 18.05.2017, copy of which has been annexed as Annexure P-4, but he has been declared ineligible in totally illegal and arbitrary manner.
2. Learned counsel for the petitioner argues that as per the advertisement No. 4/2017, a candidate will be eligible for the post in question if he/she is holding driving license of Heavy Transport Vehicle along with three years experience of driving a Heavy Transport Vehicle.
3. While filling up the application form for the post in question, the petitioner attached his license which was issued to him in the year 2013 and he had also attached the experience certificate and claimed that the respondents were under obligation to treat the petitioner eligible for the post

in question.

4. Upon notice of motion, the respondents have filed the reply wherein they have mentioned that the petitioner had attached the driving license along with application form which only authorizes the petitioner to drive the heavy transport vehicle starting from 12.06.2013 and he has attached the experience certificate having experience of driving the heavy transport vehicle from 01.04.2011 till 05.01.2015. In case, the said experience certificate is taken into account keeping in view the date on which the petitioner became eligible to drive the Heavy Transport Vehicle, he does not have minimum three years experience to become eligible for the post in question and the petitioner got another certificate issued in his favour on 19.02.2018 which is after the cut-off date of submission of application form, which certificate of the petitioner cannot be taken into account for any purpose.

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

6. The petitioner is competing for the post of Heavy Vehicle Drivers in pursuance to the Advertisement No. 4/2017 dated 18.05.2017 (Annexure P-4) and as per the criteria mentioned in the advertisement, the document showing essential qualification is to be uploaded alongwith the application form for the post in question. It is a conceded fact that the experience certificate which the petitioner uploaded alongwith application form, does not show that, the petitioner had three years of experience after getting Heavy Driving Transport Vehicle license to drive the heavy transport vehicle which was essential qualification under the advertisement.

7. It is only after the last date of submission of application form for the post in question that the petitioner got another experience certificate

on 19.02.2018 to prove his eligibility. Any document which came into existence after the last date of submission of application form cannot be taken into account to decide the eligibility of the candidate.

8. The terms and conditions of the advertisement are very clear qua the eligibility of a candidate for the post in question and documents to be uploaded along with application form alongwith the required information in the application itself, the same has to be treated as a sacrosanct and is to be complied with by everyone who intend to compete for the post in question.

9. In the present petition, the eligibility is being claimed by the petitioner on the basis of experience certificate dated 19.02.2018 which is issued much after the last date of submission of application form and was not the part of the application form for the post in question. Once, as per the terms and conditions of the advertisement, the petitioner has not attached the relevant experience certificate to prove his eligibility, the same cannot be proved on the basis of a experience certificate issued subsequent to the last date prescribed for the submission of the application form for the post in question.

10 Keeping in view the facts and circumstances of the present case recorded herein above, no ground is made out for interference in the present case, hence the present petition stands **dismissed**.

11. Pending miscellaneous application, if any, shall also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

07.03.2024

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No

