

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

216-A

CWP-25701-2018 (O&M)
Decided on :15.02.2024

Pardeep Kumar And Anr . .Petitioners

Versus

State Of Haryana And Others . . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Gopal Soni, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance of the petitioners is that the petitioners were not allowed to join on the post of Heavy Vehicle Driver , which was advertised vide advertisement No. 04/2017 dated 18.05.2017 (Annexure P-4).
2. Learned counsel for the petitioners submits that the petitioners competed for the post of Heavy Vehicle Driver and the petitioners were ultimately selected and recommended for the appointment and keeping in view the said recommendation, an appointment letter for the post in question was also issued to the petitioners by the respondents-department, but they were not allowed to join the duties on the post in question by the respondents-department and that too without any valid justification.
3. Per contra, learned counsel for the respondents-State submits that though the appointment letter for the post in question was issued to the

petitioner keeping in view the recommendation of the selection agency, but at the time of scrutiny of the documents submitted by the petitioners, the department concerned noticed that the petitioners were not eligible to compete for the post in question keeping in view the terms and conditions prescribed in the advertisement itself as they were not fulfilling the eligibility qualification of three years experience as required under the advertisement (Annexure P-4).

4. No replication to the written statement was filed by the other side.

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

6. The employment can only be given to a candidate who fulfills the essential qualifications which have been mentioned in the advertisement. As per advertisement, a candidate can only be selected and appointed on the post of Heavy Vehicle Driver, in case, he/she has three years experience as Heavy Vehicle Driver upto the last date of submission of the application form for the post in question. Keeping in view the reply filed by the respondents-department, the petitioners did not have three years experience upto the last date of submission of the application form. The said averments of the respondent-department has not been rebutted by the learned counsel for the petitioners. Hence, it can be safely presumed that the pleadings on record the petitioners failed to prove that they fulfill the essential qualification of three years experience of driving the heavy vehicle as prescribed under the advertisement.

7. Keeping in view the facts and circumstances recorded here in above, as the petitioners have failed to prove their eligibility for the post in question before this Court, no direction can be given to the respondents-State

to allow the petitioners for appointment on the post in question, hence, no ground is made out for the grant of any relief to the petitioners as being claimed by him through present petition, hence, the present petition **stands dismissed**.

8. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

15.02.2024
Riya

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