

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-7411-2018 (O&M)
Decided on :09.04.2024

RAMESH KUMAR & ANR

.PETITIONERS

Versus

STATE OF HARYANA AND OTHERS . . . RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Sanjiv Gupta, Advocate and
Mr. Naveen, Advocate for the petitioners.

Ms. Vibha Tewari, AAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the rejection of the claim of the petitioner while competing for the post of Heavy Vehicle Driver, which post was advertised vide Advertisement No. 4/2017.
2. Learned counsel for the petitioner submits that the petitioner has wrongly been ousted from the consideration zone for appointment for the post in question though, the petitioner fulfilled all requirements for appointment on the post in question, hence, respondents are liable to consider the claim of the petitioner for the appointment on the post of Heavy Vehicle Driver alongwith the other candidates.
3. After notice of motion, the respondents have filed the reply wherein it has been mentioned that though the petitioner was required to

clear the Dug test so as to show that the petitioner is proficient in driving the heavy vehicle but the petitioner has failed to clear the said Dug test.

4. Learned State counsel submits that keeping in view the representation made by the petitioners as well as other candidates to review the videography of dug test held by the respondents, the respondents presented the said videography of dug test before an expert committee and even as per the report of the expert committee, the petitioners were declared unsuccessful in clearing the said dug test, hence, the claim of the petitioners has rightly been rejected by the respondents-department.

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

6. The only claim of the petitioners is that the petitioners are eligible for competing for appointment on the post of Heavy Vehicle Driver.

7. The said benefit of appointment on the post in question can only be allowed to the petitioners keeping in the view the terms and conditions of the advertisement. As per the terms and conditions of the advertisement, in order to proceed further in the selection process for the post in question, a candidate is required to clear the dug test so as to prove his/her proficiency in driving the heavy vehicle. But as per the record, both the petitioners have failed to clear the dug test and even expert committee was constituted to find out as to whether the petitioners cleared the said dug test or not, the expert committee after watching the video of dug test confirmed that the petitioners have failed to clear the said dug test.

8. Once, it is clear that the petitioners have failed to clear the dug test in order to show their proficiency in driving the heavy vehicle, the petitioners cannot be allowed to go further in the selection process.

9. Hence, keeping in view the facts and circumstances of the

present case recorded herein above, no ground is made out for interference in the present petition, hence the present petition stands **dismissed**.

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

(HARSIMRAN SINGH SETHI)
JUDGE

09.04.2024

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No