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

CWP-38205-2018

Date of Decision: 27.02.2024

JOGINDER SINGH**...Petitioner****Vs.****STATE OF HARYANA AND OTHERS****...Respondents****CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. R.S. Dhull, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the prayer of the petitioner is that the petitioner competed for the post of Heavy Vehicle Driver as advertised by the respondents vide advertisement No. 4/2017, copy of which has been appended as Annexure P-1, but the petitioner was wrongly declared fail in the dug test, which was required to be passed by the candidates in order to become eligible for consideration for the post in question.

2. Learned counsel for the petitioner submits that the petitioner appeared for the dug test on 23.12.2017 and according to the petitioner, he had done well in the said dug test so as to be declared pass but, respondents wrongly declared the petitioner fail, which act on the part of the respondents is totally arbitrary and illegal.

3. Learned counsel for the petitioner further submits that the said dug test for driving proficiency was videographed by the respondents and not only the petitioner but the other candidates had also raised the grievance

qua the decision taken by the authorities to fail the candidates in the dug test, representations were made by the aggrieved candidates to verify their claim on the basis of the videography but thereafter once again the claim of the petitioner was rejected on 23.04.2018, copy of which has been appended as Annexure P-3 which order is under challenge.

4. Learned counsel for the petitioner submits that as per the petitioner, he had duly cleared the dug test and therefore, the respondents are liable to be directed to treat the petitioner eligible to the appointment for the post of Heavy Vehicle Driver on the basis of the merit obtained.

5. Learned counsel for the respondent on the other hand submits that in order to conduct a fair driving proficiency test, the said dug test was videotaped so that no candidate raises an objection at a subsequent stage *qua* the competency/efficiency shown during the said driving proficiency test. Learned counsel for the respondent further submits that the petitioner's grievance along with the grievance of the other candidates *qua* the proficiency driving test was put up before the competent authority, which committee after viewing the video recording again made observation whether a particular candidate is to be declared pass or fail and *qua* the petitioner the decision of the Committee was that he has failed the dug test hence, the impugned order dated 23.04.2018 (Annexure P-3) was passed which is perfectly valid.

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

7. It is a settled principle of law that the candidate competing for the post so as to qualify all the test prescribed for the selection to the post in

question. The petitioner was declared failed in the driving proficiency test against which decision, the petitioner has raised grievance and a Committee constituted by the respondent looked into the videography and again came to the conclusion that the petitioner had failed the dug test. Once, on the basis of the facts, a Committee constituted has already opined that the petitioner has failed the dug test, which test is a driving skill of the petitioner which is best evaluated by the experts, this Court will not sit an appeal over a decision of the Committee saying that the petitioner should be declared eligible having passed the dug test. Further, more than once, the petitioner has been declared fail in the dug test, and that too by two different authorities, hence this Court will not sit an appeal over their decision so as to appoint or to direct that the petitioner be treated eligible for the post of Heavy Vehicle Driver, having passed the dug test.

8. Keeping in view the above, no ground is made out for interference.

9. The present petition is dismissed.

10. However, in case the petitioner has any grievance with regard to his claim on the basis of the videography, which will be a matter of evidence, the petitioner, in case is entitled to invoke the jurisdiction of the Civil Court, he will be free to file the same in case the same is permissible.

(HARSIMRAN SINGH SETHI)
(JUDGE)

27.02.2024

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