



\$~16

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12520/2019**

SANJAY KUMAR

.....Petitioner

Through: Ms. Monica Kapoor, Advocate

versus

UNION OF INDIA & ORS

.....Respondents

Through: Mr. Sandeep Bajaj, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

%

13.08.2024

1. The petitioner, who is serving as a Constable (Water Carrier) in the Railway Police Force (RPF), has approached this Court under Article 226 of the Constitution of India seeking the following reliefs:

“(i) quash/set aside the order/result dated 24.07.2019 declared by Departmental Promotion Committee to the extent the petitioner has been declared "Not Suitable" and issue a writ of mandamus or any other direction to the respondents no. 2 and 3 to consider the candidature of the petitioner for selection to the vacant post of Driver Grade III under 'SC category w.e.f. the date when four candidates under 'OBC category were declared successful and appointed to the post of Driver Grade III in Railway Police Force under Northern Railways, with all consequential benefits;

(ii) call for the relevant records of the examination conducted on 24.07.2019 including video recording of the trade test performed by the petitioner and examine the suitability of the petitioner for selection to the post of Driver Grade III in Railway Police Force under Northern Railways.”

2. At the outset, the brief factual matrix as emerging from the record, may be noted. Upon a notification being issued by the respondents on 28.03.2019 *inter alia* inviting applications for the post of Driver Grade III in



the Railway Protection Force (RPF), Northern Railways, the petitioner submitted his application. After qualifying in the written test, he appeared in the trade test which included a driving test. When the result of the selection process was declared on 24.07.2019, the petitioner found that his name was not included in the select list. He, therefore, made repeated appeals and representations to respondent no.3, wherein he raised a grievance that he had been deliberately awarded lesser marks in the trade test. However, since no reply was received from respondent no.3, the petitioner has approached this Court by way of the present petition.

3. Learned counsel for the petitioner submits that the impugned result dated 24.07.2019 to the extent it excludes the name of the petitioner is liable to be set aside as he was deliberately awarded lower marks in the trade test. The petitioner's driving skills, he contends, cannot be doubted as is evident from the fact that he is holding a valid driving license for heavy motor vehicles since 2017, which license was recently renewed. He contends that in order to determine as to whether the petitioner could be declared '*Not Suitable*' in the said test, this Court should call upon the respondents to produce the relevant records including the video footage of the trade test. He, therefore, prays that the writ petition be allowed and the respondents be directed to consider the candidature of the petitioner against the vacant post of Driver Grade III under 'SC category'.

4. On the other hand, learned counsel for the respondents, supports the impugned order and submits that the petitioner's plea that he was deliberately awarded lesser marks in the driving test is without any basis and is liable to be rejected. By drawing our attention to the marks obtained by the 13 candidates, including the petitioner, who had appeared in the trade



test for the said post, he submits that the petitioner not only received very low marks in driving skills, but it was also found during the trade test that his mechanical knowledge about heavy motor vehicles was not upto the mark. Furthermore, his skills to conduct minor repairs was also found to be deficient and unsatisfactory. He, therefore, contends that there is no illegality in the decision of the respondents in not selecting the petitioner for the post of Driver Grade-III and consequently prays that the writ petition be dismissed.

5. Having considered the submissions of learned counsel for the parties and perused the record, we find absolutely no merit in the writ petition. Though the petitioner has vehemently urged that he was deliberately awarded lower marks in the driving test, in the light of the tabulation of marks filed by the respondents, we find no reason to accept this bald plea of the petitioner. This tabulation, which records the marks obtained by all the 13 candidates who had participated in the selection process for the post of Driver Grade III held in 2019 reads as under:

S. No.	Name	Father's Name	Rank	Divn.	Cate.	DOB	DOA	Marks obtained in Driving Skills	Marks obtained in Mech. knowledge about vehicles	Marks obtained in skills to conduct minor repairs	Total Marks obtained
1	Mustak Ali	Murtaja Ali	WC	KV	OBC	18.02.89	25.02.09	16	06	06	28
2	Rakesh Kumar	Ram Swaroop	CT	PCSC/R esv.	OBC	10.05.81	02.05.05	16	08	08	32
3	Rajender Prasad Gurjar	Kajod Mal Gurjar	WC	CS/DBS I	OBC	01.07.82	25.02.09	16	08	06	30
4	Bhajan Singh	Yad Ram	Cook	PCSC/R esv.	SC	04.12.78	18.02.98	DISQUALIFIED			
5	Mohan Lal Jat	Suna Ram	SW	FZR	OBC	05.09.79	25.02.09	05	02	02	09
6	Heera Singh	Prem Singh	SW	FZR	OBC	15.06.85	25.02.09	12	05	05	22
7	Sanjay Kumar	Lachhman	WC	DLI	SC	04.08.77	25.02.09	07	02	02	11
8	Anil Kumar	Surat Singh	WC	DLI	OBC	03.11.85	16.09.11	16	08	07	31
9	Raju Ram	Fata Ram	WC	DLI	UR	10.10.85	25.02.09	06	04	04	14
10	Prabhu Dayal	Ram Kumar	SW	DLI	OBC	20.05.82	25.02.09	12	05	06	23



	Gaura	Gaura									
11	Devendra Kumar	Madan Singh	SW	LKO	OBC	05.12.87	12.11.09	12	06	06	24
12	Bhim Singh Gurjar	Hari Ram Gurjar	WC	MB	OBC	01.06.82	25.02.09	02	02	02	06
13	Vikas	Abhe Singh	WC	UMB	OBC	08.07.82	25.02.09	15	07	07	29

6. From the aforesaid, it clearly emerges that the petitioner was not only awarded only seven marks in the driving skills as against much higher marks obtained by the selected candidates but was also awarded only two marks each in his mechanical knowledge about vehicles and skills to conduct minor repairs. The petitioner, we may note, has made only bald allegations about being deliberately given lesser marks in the trade test but has not even named any person who according to him was responsible for awarding lesser marks. In these circumstances, we find no reason to call for the video recording of the trade test at this belated stage or to disregard the marks awarded to the petitioner in the said test.

7. We, therefore, find no merit in the petition, which is accordingly dismissed.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 13, 2024

ab