

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025.PHHC:150901-DB



CM-7288-LPA-2025
CM-7289-LPA-2025 in
RA-LP-3-2023 in
LPA-1283-2018
Date of Decision: 31.10.2025

Gulshan Kumar

...Review Appellant

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. J.S. Maanipur, Advocate and
Ms. Harpreet Kaur, Advocate, for the applicant-appellant.

Mr. Saurabh Mohunta, DAG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-7288-LPA-2025

Application for placing on record affidavit on behalf of
respondent No.4 along with Annexures A/1 and A/2, is allowed, subject all
just exceptions.

CM-7289-LPA-2025

Application seeking exemption to file certified copies of
Annexures A/1 and A/2 is allowed.

RA-LP-3-2023

1. The applicant-appellant (for short 'the appellant') had applied
for appointment to the post of Heavy Vehicle Driver against advertisement
No.4 dated 18.05.2017, issued by the Haryana Staff Selection Commission
(for short 'the Commission').

2. The appellant fell in the category of BCA and had duly submitted his application against such advertisement. As per the recruitment notification, candidates were required to clear the written examination as also the driving proficiency test. The appellant admittedly passed the written examination as also the driving proficiency test. However, he was not called for interview. Thus aggrieved, the appellant approached this Court by filing CWP-6139-2018. It was the contention of the appellant that he was entitled to 120 marks in the written examination, whereas those who had been called for interview, had secured marks less marks than the appellant and yet his claim was ignored. The writ petition was disposed of on 13.03.2018, with a direction upon the Commission to accord consideration to the claim of the appellant. It is thereafter that the claim of the appellant came to be rejected vide order dated 27.03.2018, wherein, the respondents held that as the appellant had not uploaded the driving license as such his claim cannot be accepted.

3. Aggrieved by order dated 27.03.2018, the appellant filed CWP-9096-2018. The aforesaid writ petition came to be dismissed by the learned Single Judge on 17.04.2018, while observing that in terms of the advertisement, all necessary documents were required to be uploaded along with the application and then produce the original at the time of scrutiny of documents. Since, the appellant had neither uploaded the driving license nor produced it at the time of document verification as such non-calling of appellant for interview was held to be justified.

4. Aggrieved by the judgment of the learned Single Judge dated 17.04.2018, the appellant preferred the present appeal. The Division Bench of this Court vide order dated 07.12.2022, dismissed the appeal on the ground that there is no infirmity in the rejection of the appellant's claim.

5. Thereafter, the instant review application came to be filed by the appellant contending that experience certificate of the appellant as a driver, had been uploaded and there was in fact no specific requirement of uploading the driving license as per terms of the advertisement. Since the appellant had qualified the driving proficiency test and had otherwise secured more marks in the written examination than the last selected candidate in his category, therefore, non-consideration of his claim was bad.

6. In the review application, notices were issued on 20.02.2023, and the respondents have been called upon to file their reply. Pursuant to various orders passed in the review application, successive affidavits have been filed including affidavit dated 20.08.2025. In the said affidavit filed by Under Secretary, Haryana Staff Selection Commission, Panchkula on behalf of respondent No.4, reliance is placed on notice dated 01.12.2017, issued by the Haryana Staff Selection Commission, as per which, candidates who were called to appear for scrutiny of documents-cum-driving proficiency test, their appearance was for such purpose and mere appearance would not confer any right to them and that the right to be called for interview was to be determined based upon the scrutiny of documents. Relevant part of notice dated 01.12.2017, which is relied upon in the affidavit dated 20.08.2025, is reproduced as under:-

“It is important to note that after the scrutiny of documents-cum-driving proficiency test (driving test), if a candidate is found eligible, it will not confer any right of interview and candidates only falling within twice the number of vacancies on merit shall be called for interview. If after scrutiny of documents it is found that his documents are not in accordance with the eligibility conditions, then he may be put to driving proficiency test

provisionally and his candidature shall be decided by the Commission.”

7. It is also the case of the respondents that the driving license was required to be produced at the time of documents verification which was not produced by the appellant.

8. From the materials placed on record, it is undisputed that the appellant had applied for the post of Heavy Vehicle Driver and secured 137 marks (both in written examination and interview). Fact that the appellant belongs to BC ‘A’ category is also not disputed. It is further admitted by the respondents that the last person selected in BCA category had secured 104 marks. It is, therefore, apparent that the appellant on the strength of his merit has secured his selection subject to fulfillment of other conditions.

9 The primary reason to non-suit the appellant is that he had not uploaded his driving license along with the application form. Such requirement is insisted by the respondents relying upon the terms of the advertisement. Clause (i) of the **‘documents to be uploaded with the application form’** contained in the advertisement specified the following documents to be uploaded with the application form:-

“(i) Scanned copy of essential qualification i.e. matric showing date of birth and mark sheet of 10+2/graduation/diploma/degree etc”

10. From the perusal of the aforesaid clause, it is apparent that the respondents had required the appellant to upload essential qualifications i.e. matric examination showing date of birth/mark sheet of 10+2/graduation/diploma/degree etc. There is no specific stipulation in the advertisement that the candidate was required to upload the driving license also along with the application form.

11. We, therefore, are of the view that the respondents could not have non-suited the appellant only on the ground that he had not uploaded his driving license along with the application form. It is, otherwise, to be noticed that the appellant furnished details of his driving license in the application form and the same was not only available with the appellant but as per the appellant, it was also produced at the time of documents verification. The contention of the respondent is that the driving license was not produced by the appellant at the time of document verification. In the affidavit filed by the Commission dated 20.08.2025, a copy of the attendance sheet for scrutiny of documents held on 15.12.2017, for the post of Heavy Vehicle Driver is annexed as Annexure A/2, wherein, name of the appellant is shown at Sr. No.7. This document clearly records that the appellant has driving license of heavy transport vehicle with three years experience. In the remarks column, there is a cutting and overwriting and it appears that subsequently it is recorded that the copy of driving license is not attached. We are not much impressed by the stand of the respondents based upon the document of the respondents themselves inasmuch as the attendance sheet for scrutiny of documents clearly acknowledges the existence of driving license with the appellant. It is difficult to comprehend as to how in the absence of production of driving license an endorsement could be made in the remarks column that the appellant has driving license with three years experience. The interpolation in the records of respondent are made only against the candidature of the appellant and for none of the other candidates only cutting is shown to exist. The version of the respondents that the appellant had not produced his driving license becomes highly doubtful and when taken in its entirety, the stand of the respondents cannot be relied upon.

12. Learned counsel for the appellant vehemently submits that having applied for appointment, there is no reason as to why the appellant would not produce the driving license at the time of document verification. The fact that the appellant appeared in the document verification is otherwise undisputed. Considering the fact that there are material interpolation in the official record and an endorsement has been subsequently introduced in the records to show that the driving license was not attached by the appellant, we are inclined to accept the appellant's contention that in fact he had produced the original driving license at the time of scrutiny of documents.

13. Today before the Court also, the appellant has produced the original driving license which was issued in his favour by the authorities in respect of heavy transport vehicle on 26.05.2001.

14. Considering the facts in its entirety, we are persuaded to hold that in fact the appellant possessed valid heavy transport vehicle driving license and the same was also produced before the authorities and it was only on account of subsequent interpolation in the records that the respondents have tried to negate the right of the appellant for appointment on the ground that he had not produced his driving license. We are otherwise of the view that there was no specific requirement of uploading of driving license in the advertisement along with the application form. It is also brought to the notice of the Court that a vacancy of heavy transport vehicle driver is still available with the respondents against which the appellant can be adjusted.

15. For the reasons recorded herein above, we are of the view that the application of the appellant for review of the judgment and order dated 07.12.2022, is worthy of acceptance. The review application is accordingly allowed and consequently, the appeal filed by the appellant is also accepted and judgment dated 17.04.2018, passed by the learned Single Judge is set

aside, with a direction issued to the respondents to offer appointment to the appellant for the post of Heavy Vehicle Driver against advertisement No.4 dated 18.05.2017. The appellant shall be placed in the gradation list as per his merit. The consideration for appointment would be made within a period of six weeks from today. The appellant shall be entitled to actual service benefits from the date he joins pursuant to such order. We also clarify that the appellant would not be entitled to any back wages but his seniority and other service benefits would be determined by granting him notional benefits from the date such appointment was offered to appellant's junior.

16. All pending misc. application(s), if any, also stands dismissed.

(ASHWANI KUMAR MISHRA)
JUDGE

(HARPREET KAUR JEEWAN)
JUDGE

31.10.2025
rajesh

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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |