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

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**CWP-25949-2018 (O&M)
Date of Decision: 05.02.2025.**

SURESH KUMAR

... Petitioner(s)

Versus

UNION OF INDIA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

PRESENT: Mr. R.S. Manhas, Advocate,
for the petitioner(s).

Mr. Shivoy Dhir, Senior Panel Counsel,
for the respondents.

VINOD S. BHARDWAJ, J (ORAL)

Challenging the order dated 22.9.2018, vide which the application of the petitioner for appointment to the post of Driver Road Roller has been rejected, the present writ petition has been filed by the petitioner.

2 Learned counsel for the petitioner contends that the respondents had issued an advertisement No.1 of 2016 for appointment to various posts including that of the Driver Road Roller (Ordinary Grade) and the last date for submission of the

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application form was 20.12.2016. He contends that the petitioner was a Matriculate and his date of birth as recorded in the Matriculation Certificate is 09.08.1995. The petitioner had in his possession a light motor vehicle driving licence from March 2015 and worked as a Road Roller operator from August 2016 to December 2017. He contends that the petitioner being fully eligible had applied for the aforesaid post of driver road roller in the category of scheduled caste since he possessed the experience of road roller operations. The application of the petitioner was shortlisted and on noticing that the petitioner was eligible, he was called to the Centre on 08.03.2018 to produce the documents regarding his educational qualifications and experience etc. The petitioner was thereafter ordered to undergo physical test which was also successfully completed. The petitioner eventually appeared in the trade test on 12.03.2018 and cleared the same. In the result so declared, the petitioner was held to be successful and was placed at Sr. No.37 of the provisionally selected candidates list. He secured more marks than the general category candidate and was thus to be considered under the unreserved category. He contends that the petitioner was called for the medical examination and eventually the call letter was received by him on 16.08.2018. He then appeared in the medical examination held on 22.09.2018 and was then told that the petitioner did not possess the valid driving license and thus did not fulfill the eligibility conditions. The

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candidature of the petitioner was accordingly cancelled vide impugned order dated 22.09.2018. Learned counsel contends that the petitioner has wrongly been ousted without considering that he had participated in the entire selection process and had duly qualified for the said post. Having successfully undertaken all the written/medical examination, there was no reason for declining appointment of the petitioner especially when the petitioner had already submitted an application for upgradation of his driving license to the licensing authority.

3 Learned counsel for the respondents, on the other hand, refers to the reply filed by way of an affidavit of IC No.51117F Rank: Col. S.P. Singh, wherein while not disputing the dates and events referred above, it is submitted that at the time of scrutiny of the documents before conducting the medical examination, it was found that the licence attached with the application was LMV-CAB/LMV-GV whereas as per the advertisement No.1 of 2016 published by the respondents specified the essential qualifications that an applicant should possess a Heavy Motor Vehicle License or Roller driving licence; or having passed Class II Course for Driver Plant and Mechanical Transport as laid down in Defence Services Regulations (Qualification Regulations for Soldier). The eligibility was to be seen as on the last date of submission of the application which was 20.12.2016. The petitioner produced the heavy driving licence at the time of medical

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examination with the validity from 21.02.2017, hence, he was thus not fulfilling the eligibility conditions as on the last date of submission of the application form and as such, his candidature has been rightly rejected. He contends that the eligibility conditions were duly specified and were known to all the applicants. The petitioner cannot claim that the cut-off date determining the eligibility ought to be ignored solely because the petitioner participated in the entire selection process on account of some inadvertence. He submits that even otherwise, mere participation in the selection process does not mean that the essential qualifications as prescribed on the cut-off date ought to be ignored.

4 I have heard the learned counsel appearing on behalf of the respective parties and have gone through the documents appended with the present petition.

5 It is evident from a perusal of the advertisement issued by the respondents that the essential qualification prescribed was of possession a heavy motor vehicle licence or road roller driving licence with experience. The extract of the advertisement is reproduced hereinbelow:-

<i>Post No.15 Driver Road Roller (Ordinary Grade)</i>	<i>Pay Band-1: Rs.5200-20200 Plus Grade Pay Rs. 1900 (As per 6 Pay Commission) Age between 18 to 27 years. Essential Qualification:</i>
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	<i>i) Matriculation from a recognized Board or equivalent; and</i> <i>ii) Possessing a heavy Motor vehicle or Road Roller driving licence with experience of six months in Road Roller Driving;</i> <i>or</i> <i>Having passed class II Course for Driver Plant and Mechanical Transport as laid down in Defence Service Regulations (Qualification Regulations for Soldiers) from office of Records or Centres or similar establishment of Defence.</i>
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6 The important instructions published along with the advertisement specified that the candidate should have the requisite educational/technical qualifications and other requisite essential eligibility as on the closing date of the submission of the application. The relevant extract of the same is reproduced hereunder: -

“(g) The candidates should have the requisite educational/technical qualifications and other requisite essential eligibility criteria for specified trade from recognized university/institute for Central Govt. jobs AS ON THE CLOSING DATE OF SUBMISSION OF THE APPLICATION Those awaiting results of the final examination need not

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apply Commandant, GREF Centre may reject the candidature of the candidates at any stage of recruitment process in case the candidate is not fulfilling the requisite criteria and if appointed, such candidates are liable to be terminated/ removed from service summarily.”

7 It remains undisputed that as on the closing date of the submission of the application, the petitioner did not possess the heavy motor vehicle licence or the road roller driving licence with experience of six months in road roller driving. He was in possession of a licence LMV-CAB/LMV-GV. The licence of heavy motor vehicle was issued to him only on 21.02.2017 much after the closing date of submission of the application i.e. 20.12.2016.

8 A specific question was also put to the counsel for petitioner as to on what date he had applied for upgradation in the driving licence to a heavy driving license. Counsel contends that he is not aware of any such date and has also not pleaded the date of submission of the application for upgradation of the licence with the licensing authority.

9 It is well settled position in law that when the eligibility is to be seen on a cut-off date as prescribed, candidate submitting an application was required to fulfill the eligibility conditions set out thereunder on that very date. A claim is available only when eligibility remains undisputedly fulfilled as on the

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closing date and in the present case, the documents in support of such eligibility had been obtained at a later stage in time. It is an undisputed fact that the petitioner had acquired the eligibility on 21.02.2017 i.e. much after the closing date of the eligibility conditions itself.

10 Under the given circumstances, I am unable to agree with the counsel for the petitioner that he was eligible and would be entitled to seek appointment notwithstanding that he did not fulfill the eligibility conditions as on the last date of submission of the application. Mere participation in the process of selection would not confer any indefeasible right in favour of the petitioner to claim appointment only on the strength of having cleared the various stages of the examination solely.

11 Finding no merit and on failure to convince this Court with regard to the illegality, impropriety or infirmity in the order passed by the Competent authority, the present writ petition is accordingly dismissed.

February 05, 2025.
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(VINOD S. BHARDWAJ)
JUDGE

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