



2026:DHC:3249-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 18.02.2026

Judgment delivered on: 20.04.2026

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W.P.(C) 5994/2022 & CM APPL.18001/2022

VIKRAM KUMAR JHA

.....Petitioner

versus

UNION OF INDIA & ORS

.....Respondents

Advocates who appeared in this case

For the Petitioner : Mr. Vikas Kumar, Mr. Sunil Verma,
Mr. Karan Gulwade, Advocates.

For the Respondents : Ms. Leena Tuteja, CGSC with Ms. Ishita
Kadyan, Adv. for R1 to R3
Mr. Kshitij Chhabra, SPC with Mr. Abhijeet
Vikram Singh, Adv. for R4.

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****JUDGMENT****V. KAMESWAR RAO, J.**

1. This petition has been filed with the following prayers:-

“A) Issue an appropriate writ or direction in the nature of certiorari quashing the discriminatory condition stipulated by the respondents in para 7.6 of SSC Notification F.No. 3/6/2019-P&P-II published in the year 2019 wherein only male candidates were asked to produce a valid Driving License for LMV (Motorcycle and Car) for consideration of their candidature to the post of Sub Inspector in Delhi



Police though no such condition was stipulated for female candidates for consideration to the same post;

B) Issue an appropriate writ or direction in the nature of mandamus directing the respondents to accept the Driving License of the petitioner for LMV (Motorcycle and Car) issued on 26.03.2021 i.e. after Physical Endurance and Measurement test as the said delay was attributable to Covid 19 pandemic induced lockdowns/restrictions,

C) Issue an appropriate writ or direction in the nature of mandamus directing the respondents to consider the candidature of the Petitioner for the post of Sub Inspector Nin Delhi Police after taking into account the driving license (LMV & Motorcycle with gear) possessed by the petitioner.

D) Pass any other appropriate order/direction, which this Hon'ble Court may deem fit and proper in the present facts and circumstances of the case."

2. The petitioner in effect is challenging the conditions stipulated by the respondents in paragraph no.7.6 of the notification for *Sub-Inspector in Delhi Police, CAPFs and Assistant Sub-Inspector in CISF Examination, 2019* issued by the Staff Selection Commission (SSC) published in the year 2019 wherein male candidates who are applying for the post of Sub-Inspector (SI) in Delhi Police were required to possess a valid Driving License for Light Motor Vehicle (LMV) (Car and Motorcycle with Gear) for consideration of their candidature to the post though, no such condition of valid LMV driving license is stipulated for female candidates.

3. The consequential prayer of the petitioner is for a direction to the respondents to accept the LMV driving license of the petitioner, which was issued on 26.03.2021, i.e., after the Physical Endurance and Measurement Tests (PEMT) as the said delay was attributable to COVID-19 pandemic induced lockdowns/ restrictions.



4. The facts as noted from the petition are that, in the year 2019, the respondent no.3/SSC issued the impugned notification for recruitment to the post of SI in Delhi Police, Central Armed Police Forces (CAPFs) and Assistant Sub-Inspector (ASI) in Central Industrial Security Forces (CISF). The closing date for receipt of the applications was 16.10.2019. The petitioner applied for the post of SI in Delhi Police as per the notification.

5. On 12.12.2019, the petitioner appeared for Paper-I Examination and qualified the same. On 20.03.2020, the petitioner applied for online LMV driving license. On 08.06.2020, the petitioner qualified the online driving license test and was issued a learner's license.

6. It is the case of the petitioner that between July 2020 and December 2020, he repeatedly tried to get the slot for permanent driving license test but was unable to get the same before the PEMT. On 24.12.2020, the petitioner appeared in PEMT and qualified it. During this test, though the petitioner submitted a copy of his learner's license, he was asked to submit a copy of a valid driving license during documents verification process.

7. Meanwhile, the petitioner shifted to his uncle's place at Sector-22, NOIDA, Gautam Budh Nagar, Uttar Pradesh and on 26.03.2021, he was issued the driving license. On 26.07.2021, the petitioner appeared for Paper-II Examination and qualified it. During the Medical Examination, the petitioner tried to submit a copy of his driving license, but the same was not accepted.

8. It is the case of the petitioner and so contended by Mr. Vikas Kumar, learned counsel appearing for the petitioner that the petitioner having



qualified all stages of the examination, has been denied appointment only for the reason that he did not submit a valid driving license at the time of document verification.

9. According to him, this action of the respondents is discriminatory in as much as only male candidates were required to produce valid LMV driving license for consideration of their candidature, but no such condition was stipulated for female candidates. In any case, it is his submission that the delay in issuance of the driving license was due to COVID-19 related lockdown / restrictions and backlog and such the delay is not attributable to the petitioner himself.

10. He stated that the Supreme Court has taken into account the impact of surge of the COVID-19 pandemic on public health and adversities faced by litigants in those prevailing conditions and vide its order dated 10.01.2022 passed in ***Re: Suo Motu Writ Petition (C) No.3/2020***, directed the exclusion of period from 15.03.2020 to 28.02.2022 for the purpose of limitation as may be prescribed under any general or special laws in respect of all judicial or *quasi* judicial proceedings. There was no reason for the respondents not to allow the petitioner to submit the license during medical examination on 25.10.2021 as no prejudice would have been caused to the respondents.

11. According to him, during such period, the situation arising from COVID-19 pandemic was so grave that no public authority was functioning normally and there was no occasion for the petitioner to venture to get the driving license. The petitioner having successfully qualified in the examination, the respondents could not have denied him the benefit of acquiring a valid driving license later and grant the appointment to the post



of SI in Delhi Police.

12. He has relied upon the decision of the Supreme Court in the case of *National Insurance Co. Ltd. v. Swaran Singh and Others (2004) 3 SCC 297*, in support of his submissions.

13. On the other hand, Ms. Leena Tuteja, CGSC, appearing for the respondent nos.1 to 3/SSC submitted that on the basis of the petitioner's performances in Paper-I and Paper-II, he was called for appearing in PEMT. As per the *Educational qualifications (as on 01-01-2020)*, as specified in the notification for the examination, it was at PEMT stage that the petitioner was required to hold and possess a valid LMV driving license i.e., the eligibility criteria for the consideration of his candidature for the post of SI in Delhi Police.

14. She submitted that, during the course of PEMT, the petitioner submitted the copy of the learner's license. He was asked to submit a copy of his driving license, which he did not possess at that time. According to her, paragraph 7.6 of the impugned notification specifically mentions that, male candidates must possess a valid driving license for LMV on the date of PEMT and those candidates who do not have a valid LMV driving license are eligible for the other posts in CAPFs.

15. She submitted that, it is an admitted case that the petitioner did not have a valid driving license on the date of the PEMT, as is required under paragraph 7.6 of the impugned notification for the post of SI in Delhi Police. After clearing the PEMT, an admit card was issued to the petitioner for appearing in Paper-II and upon qualifying, he was called for a Detailed



Medical Examination (DME). Upon clearing the DME, the petitioner was required to go through the document verification stage, during which he tried to submit a copy of his driving license, which was not taken on record as the same was required to be produced at the time of PEMT for the consideration of his candidature for the post of SI in Delhi Police. Resultantly, the petitioner was declared disqualified for appointment to the post of SI in Delhi Police, but was selected for the post of SI in CISF.

16. Ms. Tuteja submitted that the petitioner by way of this writ petition has challenged the eligibility criteria requiring a valid driving license for LMV applicable only to male candidates applying for the post of SI in Delhi Police whereas no such condition has been prescribed for female candidates for the same post. The petitioner is also aggrieved by non-acceptance of his driving license at the later stage of document verification. According to her, such a challenge is unmerited for the reasons already stated above.

17. That apart, her submission is that the SSC is a recruiting agency and is mandated to conduct recruitment examinations for recruitment of eligible candidates for various posts in accordance with the Recruitment Rules framed and vacancies reported by user departments, declare their final result and forward the dossiers of finally selected candidates to the concerned user departments for further necessary action with regard to their appointment, joining etc. She submitted that the said stipulation is not arbitrary for it to be quashed by this Court. It is also her submission that the petitioner cannot challenge the said stipulation having participated in the selection process.

18. She seeks dismissal of the writ petition.



19. Mr. Kshitij Chhabra, SPC appearing for Delhi Police / respondent no.4 reiterated the stand taken by the respondent nos.1 to 3 in the counter affidavit. Additionally, he would submit that there are two separate posts of SI (Executive) Male and SI (Women) for which recruitments are done separately under Rules 7 and 14 (a) of the Delhi Police (Appointment and Recruitment) Rules, 1980, as amended in 2018 (the Rules).

20. He submitted that there is no provision in Rule 14(a) of the Rules, requiring a female candidate to have a driving license for the post of SI (Women) in Delhi Police. A total of 132 vacancies for the post of SI (Executive) Male 79 vacancies of SI (Women) were sent to the SSC for filling up through Direct Recruitment Examination.

21. Mr. Chhabra submitted that, as per the conditions stipulated in the amended Rule 7 of the Rules, a male candidate must possess a valid driving license for LMV (Motorcycle and Car) on the date fixed for PEMT. This is an essential requirement for the post of SI in Delhi Police which must necessarily be satisfied on the date fixed for PEMT. He submitted that the candidates who do not have a valid driving license for LMV (Motorcycle and Car) at the PEMT stage are eligible to apply for the other posts in CAPFs.

22. According to him, admittedly the petitioner could not produce a valid driving license on the date of PEMT i.e., on 24.12.2020. When asked to produce, he submitted a copy of the learner's license, which was issued on 08.06.2020 by the Transport Department, Government of National Capital Territory of Delhi. The petitioner was asked to submit the copy of his driving license, which he did not possess on that date and accordingly, he



was disqualified. Mr. Chhabra has relied upon the decision of this Court in the case of *Arvind Kumar v. Staff Selection Commission & Another, W.P.(C) No.13736/2021* decided on 16.12.2021 to contend that this Court has held that the possession of a valid driving license is a mandatory condition and it cannot be overlooked. Reliance is also placed upon the decision of the Supreme Court in *Alka Ojha v. Rajasthan Public Service Commission and Another, (2011) 9 SCC 438*.

23. Having heard the learned counsel for the parties and perused the record, the short issue which arises for consideration is whether the respondents have rightly disqualified the petitioner from selection to the post of SI in Delhi Police.

24. The challenge is to whether the requirement in the impugned notification for a male candidate to have a valid LMV driving license for appointment to the post of SI in Delhi Police is discriminatory, inasmuch as, no such condition has been stipulated for the same post of SI for a female candidate.

25. We find that Rule 7 of the Rules, which deals with recruitment of SI (Executive) Male, contemplates that “*Candidates must possess a valid driving license for LMV (Motor Cycle and Car) on the date fixed for Physical Endurance & Measurement Tests*”. However, no such stipulation is found in Rule 14(a) which deals with recruitment for SI (Women). Hence, the genesis for not insisting on a valid driving license for female candidates in the impugned notification is the statutory provision of Rule 14(a) of the Rules. If that be so, the challenge to the notification by stating that it is discriminatory cannot be accepted. We may note that no challenge has been



made in the petition to the provisions of the Rules.

26. Now, the question would arise whether the petitioner was rightly treated as disqualified for the post of SI in Delhi Police for not producing a valid driving license on the date of PEMT, which was held on 24.12.2020. The answer has to be in the affirmative inasmuch as on the said date, concedingly, the petitioner neither possessed nor submitted a valid driving license.

27. Though an argument has been raised by the learned counsel for the petitioner that the learner's license should be treated at par with driving license, we are not inclined to accept the same. A learner's license has its own limitations and as the name suggests it is issued for the purpose of learning to drive a motor vehicle, unlike a regular driving license, which is issued without any such limitations or caveats.

28. In fact, the Supreme Court in *Alka Ojha (supra)*, categorically rejected a similar contention that a learner's license is sufficient for a candidate to fulfill the eligibility criteria. The Court, after considering Section 2(10) and Section 2(19), along with other provisions of the Motor Vehicles Act, 1988, observed as under:-

“18. A reading of the two definitions brings out stark difference between the two types of licences. ‘Driving licence’ issued by the competent authority under Chapter II authorises a person to drive a motor vehicle or a motor vehicle of any specified class or description otherwise than as a learner and ‘learner’s licence’ authorises a person specified therein to drive as a learner a motor vehicle or a motor vehicle of any specified class or description. It is thus evident that a person who is granted ‘learner’s licence’ is entitled to drive a motor vehicle or a motor vehicle of any specified class or description only as a



learner and he cannot be treated as a person to whom 'driving licence' defined under Section 2(10) has been issued. Though, there is some similarity in the language of Section 8 which regulates the grant of 'learner's licence' and Section 9 which regulates the grant of 'driving licence', the very fact that the legislature has thought it proper to make separate provisions for grant of two types of licences leads to an irresistible conclusion that a person holding 'learner's licence' cannot be treated at par with a person having 'driving licence' authorised to drive motor cycle, heavy goods vehicles and heavy passengers vehicles. Section 3 of the Act, which is mandatory in character also lays down that a person shall not drive a motor vehicle in any public place unless he holds an effective driving licence. Surely, learner's licence cannot entitle a person to claim that he holds an effective driving licence. Therefore, the mere fact that the petitioners possessed learner's licence on the date of application was not sufficient to make them eligible to compete for selection."

29. As is clear from the above, a learner's license cannot be equated with a driving license, at least for the purpose of fulfilling the eligibility criteria prescribed in a selection notification. In the present case, the requirement of having a valid driving license not being fulfilled by the petitioner, he was rightly disqualified.

30. The facts reveal that the petitioner was issued a driving license only on 26.03.2021 that too when he had shifted from New Delhi to NOIDA. In any case, the requirement of possessing a valid driving license on the date of the PEMT, being under the Rules, the petitioner cannot submit the same at a later stage, as statutory rules cannot be given a go bye, as is sought to be pleaded by the learned counsel for the petitioner.

31. In so far as the decision in the case of **National Insurance Co. Ltd.** (*supra*) is concerned, the issue before the Supreme Court was whether a



person who has a learner's license is entitled to claim insurance under the Motor Vehicles Act, 1988. The said judgment has no applicability to the facts of the case in hand. The validity of the learner's license is not being questioned before us. Moreover, the statute has categorically differentiated a person having a learner's license and a driver's license. Therefore, the respondents seeking a valid driving license (LMV license) at the stage of PEMT cannot be faulted with.

32. Even, the plea of equity, put forth by the learned counsel for the petitioner cannot be accepted as the petition is confined to his disqualification for the post of SI in Delhi Police. Admittedly, he has been offered the post of SI in CISF, which it appears, has not been accepted by him. Hence, the equity principle as sought be invoked by the learned counsel for the petitioner shall not be applicable in this case, The petitioner cannot insist to be appointed to a particular post, despite being ineligible. Further, he has not been debarred from the appointment on the post of SI CISF. The disqualification being only to the post of SI in Delhi Police, which mandatorily requires male candidates to have a valid driving license, which is not the requirement for the other posts, we do not see any reason to grant the reliefs as sought by the petitioner in this case.

33. Even the plea of the petitioner that, he could not get his permanent driving license due to COVID-19 pandemic, does not appeal us. This we say so for the simple reason that the notification issued by the SSC was before October 2019 and it was for the petitioner to meet the stipulation for his candidature including possessing a valid permanent driving license. He should have applied for the valid driving license immediately thereafter and



2026:DHC:3249-DB



should not have waited till March 2020 or even thereafter till March 2021 to apply for a driving license. It is to be noted that the notification clearly stipulates that a candidate must possess a valid driving license on the date of PEMT, which was held on 24.12.2020.

34. In view of our above discussion, in the facts this case, the petition is devoid of any merit and is accordingly dismissed. The pending application is dismissed as infructuous.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

APRIL 20, 2026

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