



2026:DHC:2471-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 06.02.2026
Pronounced on: 25.03.2026

+ **W.P.(C) 17015/2025 & CM APPL. 69982/2025**

DELHI POLICE & ANR.

.....Petitioners

Through: Mr. Animesh Rastogi, SPC along
with Ms. Neha Rastogi, Mr.
Shashank Pandey, Mr. Ashutosh
Pathak, Advs.

versus

SUDHEER KUMAR

.....Respondent

Through: Ms. Esha Mazumdar, Ms.
Muskan Sharma, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. The present petition has been filed, challenging the order dated 29.04.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the '*Tribunal*') in O.A. No. 890/2024, titled *Sudheer Kumar v. Delhi Police & Anr.*, whereby the learned Tribunal allowed the said O.A. filed by the respondent herein and directed the petitioners to permit the respondent to join duty as a Constable (Driver)-Male.



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FACTUAL MATRIX:

2. The brief facts leading to the present petition are that, for filling up 1411 vacancies for the post of Constable (Driver)-Male, a Notice dated 08.07.2022 was issued by the Staff Selection Commission ('SSC'). The Notice stipulated the eligibility criteria, terms and conditions, and instructions governing the recruitment process. The closing date for receipt of online applications was 29.07.2022.

3. Under Clause 6 of the Notice, captioned "*Essential Qualification*", it was stipulated, *inter alia*, that the candidate must possess a valid driving license for Heavy Motor Vehicles on the closing date of receipt of online application. The relevant portion of the said Notice is reproduced hereinbelow:

"6. Essential Qualification

a) 10+2 (Senior Secondary) passed or equivalent from a recognized Board (as on 29.07.2022 i.e. the closing date of receipt of online application)

b) Should be able to drive heavy vehicles with confidence

c) Valid driving license for Heavy Motor Vehicles (as on closing date of receipt of online application)

d) Possess knowledge of maintenance of vehicles"

4. Further, Clause 15.16 of the Notice provided that the candidature of a candidate would be purely provisional at all stages and could be cancelled at any time, even after issuance of the Offer of Appointment, if it was found that the candidate did not fulfil the prescribed eligibility conditions. The said Clause 15.16 is reproduced hereinbelow:



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“15.16 The candidates applying for the examination should ensure that they fulfill all the eligibility conditions for admission to the examination. Their admission at all the stages of examination will be purely provisional, subject to their satisfying the prescribed eligibility conditions. If, on verification, at any time before or after the Computer Based Examination, PE&MT and Medical Examination as well as after issue of Offer of Appointment/Joining the Service, it is found that they do not fulfill any of the eligibility conditions, their candidature/selection foil the post will be cancelled by the Commission/Delhi Police.”

5. The respondent applied for the post of Constable (Driver)-Male pursuant to the said Notice. He qualified the Computer-Based Examination conducted on 21.10.2022, the Physical Efficiency Test/Physical Standard Test (hereinafter referred to as, ‘PET/PST’) on 27.04.2023, and the Trade Test held on 08.11.2023. It is the case of the respondent that at the stage of the Trade Test, his driving license was duly verified, and it was only thereafter that he appeared for and qualified the Medical Examination conducted on 15.12.2023 and 16.12.2023.

6. Pursuant thereto, the respondent was issued a Letter dated 29.01.2024, informing him that he had been provisionally selected for the post of Constable (Driver)-Male in Delhi Police. He was further informed that, prior to the issuance of an Offer of Appointment, he would be required to furnish his Resignation Letter and a No Objection Certificate. Accordingly, the respondent, who had been serving in the Central Industrial Security Force (‘CISF’) since 21.09.2019, tendered his



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Technical Resignation from CISF Unit, DAE Kalpakkam, which was accepted *vide* Relieving Order dated 05.02.2024. Thereafter, an Offer of Appointment dated 19.02.2024 was issued to him, offering him provisional appointment to the post of Constable (Driver)-Male. The said letter dated 19.02.2024 also stipulated therein that the Offer of Appointment shall be treated as withdrawn if the candidate is found ineligible on document verification.

7. During document verification, it was noticed that the respondent was not possessing a valid license on the crucial date, that is, the last date for online applications, being 29.07.2022, as the respondent's Heavy Motor Vehicle (hereinafter referred to as 'HMTV') driving license had expired on 10.07.2022. In view of the essential eligibility conditions under the Recruitment Notice not being met by the respondent, the respondent was not permitted to join the post of Constable (Driver)-Male in Delhi Police.

8. It is the case of the respondent that, being posted in Tamil Nadu, he was unable to get his license renewed offline. He attempted to renew his license online on 12.07.2022, however failed due to a server error. Thereafter, he again applied for renewal on 15.07.2022, however, due to administrative delays, the renewed license was issued only on 05.08.2022, that is, after the closing date of the online applications.

9. The respondent submitted a representation dated 23.02.2024 to the petitioners, contending that since he had applied for renewal within thirty days of expiry of the license, the renewal would operate from the date of expiry and, therefore, he must be deemed to have possessed a valid



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license on the crucial date. However, the respondent was still not permitted to join the said post.

10. Aggrieved thereby, the respondent approached the learned Tribunal by filing O.A. No. 890/2024, contending that by virtue of Section 15(1) of the Motor Vehicles Act, 1988 (hereinafter referred to as, the 'Act'), read with Rule 6 of the Central Motor Vehicles Rules, 1989, the renewal of his license would relate to the date of expiry, therefore, the license must be treated as continuous and valid on the crucial date.

11. The learned Tribunal, in the Impugned Order, agreed with the respondent's submissions and allowed the said O.A., observing as under:

"11. It is not disputed that the applicant possessed a valid driving license on the crucial date of eligibility (08.07.2022), which expired on 10.07.2022. It is also not disputed that the applicant submitted his renewal application on 15.07.2022, well within the statutorily permissible period of thirty days as prescribed under Section 15(1) of the Motor Vehicles Act, 1988, which states:

"Any licensing authority may, on an application made to it, renew a driving licence issued under the provisions of this Act with effect from the date of its expiry if the application is made within thirty days thereof."

12. In light of the statutory provision, the applicant's license is deemed to have remained valid without interruption, as the application for renewal was made within the prescribed grace period. Moreover, the license was verified and accepted at two separate stages during the selection process, and no objection was raised by the respondents at any of those stages.

13. In view of the above discussion, and considering the beneficial and purposive



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interpretation of the Motor Vehicles Act in conjunction with the facts of the case, the Original Application is allowed. The applicant is declared to be in possession of a valid driving licence. The Respondents are directed to permit the applicant to join duty pursuant to the Offer of Appointment dated 19.02.2024, within a period of four weeks from the date of receipt of a certified copy of this order. There shall be no order as to costs.”

12. Aggrieved thereby, the petitioners filed the present petition.

SUBMISSIONS ON BEHALF OF THE PETITIONERS:

13. The learned counsel for the petitioners submitted that during document verification, it was noticed that the respondent's HMV driving license had expired on 10.07.2022 and the renewal thereof was effected only after the closing date for submission of applications, that is, 29.07.2022. It was submitted that, therefore, the respondent did not possess a valid HMV license as on the closing date of receipt of online applications, which was an essential eligibility condition, as stipulated in Clause 6(c) of the recruitment Notice, therefore, he stood disqualified.

14. The learned counsel submitted that the respondent, being aware of the fact that his license was about to expire, ought to have applied for its renewal well in advance, to ensure that he obtains the renewed license before the crucial date.

15. It is further submitted that the Offer of Appointment issued to the respondent clearly stipulated that the same was purely provisional and subject to final checking of documents and biometric verification. In



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furtherance, it is argued that no vested right accrued in favour of the respondent merely by the issuance of a provisional offer. The relevant clause of the Offer of Appointment reads as under:

“This offer of appointment is purely provisional which is subject to final checking of documents and biometric identification... In case you fail to report at NPL for document checking/biometric verification or found ineligible for the post in any respect, this offer of appointment will be treated as withdrawn.”

16. The learned counsel also contended that the eligibility conditions prescribed in a recruitment notification are sacrosanct and cannot be relaxed by judicial intervention. In support, reliance is placed upon the judgments of the Supreme Court in ***Yogesh Kumar & Ors. v. Government of NCT of Delhi & Ors.***, (2003) 3 SCC 548; ***Bedanga Talukdar v. Saifudaullah Khan & Ors.***, (2011) 12 SCC 85 and other decisions including ***Vidushi Gupta v. Armed Forces Medical College & Anr.***, W.P.(C) No. 4521/2012, and ***Abhishek Khandelwal v. Union of India & Anr.*** (O.A. No. 1102/2022), and ***Sh. Rajveer Singh Verma v. Union Public Service Commission & Anr.***, O.A. No. 224/2014.

17. He further submitted that the learned Tribunal has erred in treating the respondent's license as valid. The learned Tribunal has conferred an undue advantage upon the respondent, thereby prejudicing similarly placed candidates who may have refrained from applying due to non-possession of a valid HMTV license as on the crucial date.

18. The learned counsel for the petitioners also relies upon a judgement of the Supreme Court in ***Telangana State Level Police***



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Recruitment Board v. Penjarla Vijay Kumar and Ors., 2025 SCC OnLine SC 2915, wherein it was held that renewal of a license after its expiry does not relate back to the date of expiry.

SUBMISSIONS ON BEHALF OF THE RESPONDENT:

19. The learned counsel for the respondent submitted that the respondent is a meritorious candidate who has successfully qualified the Computer-Based Examination, PE&MT, Trade Test, and Medical Examination. It is submitted that once a candidate has cleared all the stages of selection and has been issued an Offer of Appointment, any adverse action affecting his appointment must withstand strict scrutiny on the touchstone of fairness and reasonableness. In furtherance, reliance is placed upon the principle of “legitimate expectation” to submit that the respondent had a legitimate expectation of appointment after having been declared successful and after issuance of the Offer of Appointment.

20. The learned counsel, in furtherance, places reliance on the decision of the Supreme Court in *Vashist Narayan Kumar v. State of Bihar*, (2024) 11 SCC 785, to submit that once a candidate has successfully participated in the selection process and cleared all stages, his candidature cannot be cancelled for trivial, *bona fide* or technical lapses that do not go to the root of eligibility.

21. It is further submitted that as per Clause 11.16 of the SSC Notice, the driving license of candidates qualifying the PE&MT are to be verified, and only those whose license are found genuine are permitted to appear in the Trade Test. Accordingly, the respondent’s driving license



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was verified during the course of the recruitment process, and he was permitted to participate in the Trade Test, with no objection raised at that stage. In furtherance, reliance is placed upon the judgment of the Supreme Court in ***Dinesh Kumar Kashyap & Ors. v. South East Central Railway & Ors.***, (2019) 12 SCC 798, wherein it was observed that though successful candidates do not acquire a vested right of appointment, the State must act in a non-arbitrary manner and must furnish justifiable reasons if it declines to fill the posts or denies appointment after selection.

22. The learned counsel further submitted that the respondent cannot be penalised for administrative delays on the part of the Regional Transport Office in issuing the renewed license. The renewal application was submitted well within the permissible period, that is, on 12.07.2022 and again on 15.07.2022. She submitted that the delay in issuance of the renewed license up to 05.08.2022 was beyond the control of the respondent.

23. It is further submitted that the respondent's case pertains to renewal of an existing driving license and not to the acquisition of a fresh license after the cut-off date. The respondent had applied for renewal of the license within the statutorily prescribed period, and the renewal was effected shortly thereafter. It is also contended that the respondent met the eligibility condition on the opening date for submission of applications, that is, 08.07.2022, with the license remaining valid till 10.07.2022. She submitted that the denial of appointment to the respondent in the present case amounts to a hyper-



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technical interpretation of eligibility conditions, ignoring the beneficial provisions of the Act and the principles of fairness and reasonableness in public employment.

ANALYSIS AND FINDINGS:

24. We have heard the learned counsels for the parties and have perused the record.

25. The limited question involved in the present case is whether the respondent can be said to be possessing a valid HMV driving license on the relevant date of eligibility.

26. The recruitment Notice dated 08.07.2022 is very clear and fixes a definite cut-off date. Clause 6(c) thereof mandates possession of a “*Valid driving license for Heavy Motor Vehicles (as on closing date of receipt of online application)*”. Clause 15.16 further stipulates that candidature would remain provisional and liable to cancellation if the candidate is found not to fulfil the prescribed eligibility conditions. The Offer of Appointment dated 19.02.2024 reiterates this position. Therefore, the claim of the respondent must stand scrutiny with reference to eligibility as on 29.07.2022.

27. It is an admitted position that the respondent’s HMV license expired on 10.07.2022. Though the respondent applied for renewal on 15.07.2022, the license was renewed only on 05.08.2022, that is, after the date of eligibility.

28. The learned Tribunal has proceeded on the premise that since the renewal application was made by the respondent within thirty days of the





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expiry, the license must be deemed to have remained valid without interruption by virtue of Section 15(1) of the Act. The learned Tribunal has erred in placing reliance on the unamended provision, thereby committing a grave error.

29. The Motor Vehicles (Amendment) Act, 2019 (hereinafter referred to as, the ‘Amendment Act’), was made effective from 01.09.2019, and brought important changes, *inter alia*, to Section 15 of the Act, thereby materially altering the legal position of license renewal. The amended Section 15(1) provides that a license shall be renewed from the date of its renewal. The relevant provisions of the amended Section are reproduced hereinbelow:

“Section 15 – Renewal of driving licences

(1) Any licensing authority may, on application made to it, renew a driving licence issued under the provisions of this Act with effect from the date of its expiry:

Provided that in any case where the application for the renewal of a licence is made either one year prior to date of its expiry or within one year after the date of its expiry, the driving licence shall be renewed with effect from the date of its renewal:

Provided further that where the application is for the renewal of a licence to drive a transport vehicle or where in any other case the applicant has attained the age of forty years, the same shall be accompanied by a medical certificate in the same form and in the same manner as is referred to in sub-section (3) of section 8, and the provisions of sub-section (4) of section 8 shall, so far as may be, apply in relation to every such case as they apply in relation to a learner's licence.”

m and in the same manner as is referred to in sub-section (3) of section 8, and the provisions



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of sub-section (4) of section 8 shall, so far as may be, apply in relation to every such case as they apply in relation to a learner's licence.”

30. A plain reading of the amended provisions makes it abundantly clear that the Legislature has consciously deleted the earlier statutory grace period of thirty days. Under the unamended regime, the license continued to remain effective for thirty days post-expiry and renewal within that period related back to the date of expiry. However, after the Amendment Act was enforced, this legal position no longer survives. The proviso to Section 14 of the pre-amendment Act, granting an automatic extension to license for a period of thirty days, also stands omitted by the Amendment Act.

31. This precise issue has also been examined by the Supreme Court in ***Penjarla Vijay Kumar*** (supra), wherein, after analyzing the pre and post-amendment schemes of Sections 14 and 15, it was held that the omission of the proviso providing for a 30-day grace period is deliberate and that, post-amendment, there is no automatic continuation of the license beyond the date of expiry. The Supreme Court emphasized that the legislative change cannot be treated as cosmetic and must be given full effect. It was further observed that the Act, after the amendment, stipulates that from the very next day of expiry of the license, the holder is legally incompetent to drive, unless renewal of the license is effected. It was further stipulated that renewal of a license would operate from the date of renewal. The relevant extracts from the judgement are reproduced hereinbelow:



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“27. The relevant change brought about in Section 14 of 1988 Act by the Amendment Act, 2019 is that the proviso (highlighted supra) has been omitted by the amendment. In Section 15 of the 1988 Act, by the Amendment Act, 2019, the first proviso to sub-section (1) has been modified. Earlier, in the first proviso to sub-section (1) of Section 15, after the words, ‘licence is made’, the words ‘more than 30 days after the date of its expiry’ occurred, which now has been changed to ‘either one year prior to the date of its expiry or within one year after the date of its expiry.’ Another change effected is that in sub-section (3) of Section 15 of the 1988 Act, in place of the words ‘thirty days’, ‘one year’ has been substituted.

28. The last proviso to Section 14 of the 1988 Act which read ‘Provided that every driving licence shall, notwithstanding its expiry under this sub-section, continue to be effective for a period of 30 days from such expiry’ stood omitted by the Amendment Act, 2019.

29. Thus, going by the plain words of the statute, as is the first rule of interpretation, it would mean that Section 14 of the 1988 Act, as it stands today, does not provide for the licence to continue after its expiry even for a single day; however, before the Amendment Act, 2019, the then-existing proviso made the date extendable automatically by a further period of 30 days from the date of its expiry.

30. Moving on, Section 15 of the 1988 Act only extends the period by which an expired licence would be renewed, meaning thereby, that the same licence would continue, but is silent about what happens during the interregnum i.e., after expiry but before renewal. The 1988 Act, as it stands now, the first proviso to sub-section (1) of Section 15, gives a window to a person for renewal of his existing licence, which starts one year prior to the date of the



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expiry of the licence and continues for one year post-expiry. Earlier, before the Amendment Act, 2019, this period used to be only within 30 days of the date of expiry. Moreover, the stipulation in the said proviso requiring the licence to be renewed with effect from the date of its renewal remains unchanged. The changes made in sub-sections (3) and (4) of Section 15 of the 1988 Act relate only to the fee payable for renewal, which have no bearing on the present cases.

31. When Sections 14 and 15 of the 1988 Act are harmoniously construed, keeping in mind the principles restated in A Raja v. D Kumar, 2025 SCC OnLine SC 1033, it is clear, to our minds, that a licence no more automatically extends beyond the period of its expiry, as was provided for in the unamended last proviso to Section 14 of the 1988 Act. This deliberate omission by the Legislature cannot be labelled cosmetic. In this regard, State of Uttar Pradesh v. Malik Zarid Khalid, (1988) 1 SCC 145 is instructive...

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32. Hypothetically, a case may arise where a person renews his licence regularly, such that he may have a licence for many years in continuity inasmuch as the initial licence granted to him gets renewed from time to time, before the existing licence expires. This could operate in a cycle, where the said person keeps renewing the licence before expiry. Such person would come within the scope of eligibility as prescribed in the Notifications. However, after the Amendment Act, 2019, as per the 1988 Act, from the very next day after the date of expiry, without renewal, the person holding an expired licence is incompetent to drive the vehicles he had such licence for, meaning thereby, that there is a legal disability for driving. Coming back to the present case, the Notifications are



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for recruitment to the posts of Driver. It cannot be lost sight of or denied that driving is not merely a qualification on paper but also involves hands-on experience coupled with regular practice. A lack of practice may hinder a person's capability of being able to drive a vehicle, especially if the vehicle is to be used for police purposes and/or for disaster response/recovery, as is the case herein. Thus, on an overall consideration, the requirement/condition that for the last two years continuously preceding the date(s) of the Notifications, the candidates should possess driving licences cannot be termed unreasonable. The matter can be looked at from another lens. Licences, under the unamended provision, were issued for not less than 3 years at the first instance and/or on renewal until the time a person attained the age of 50 years. Thus, once a licence was issued for a minimum of 3 years, if the intention of the Appellant was that a person should merely possess a licence for the last two years, the usage of the term 'continuously' was redundant in the Notifications. As such, we would have to afford due weightage to the same in context of the Notifications at hand.

33. The Act as it stands now clearly stipulates that from the date of expiry of licence, its holder is barred under law from driving. The theory that once a licence is renewed, even after a gap, the renewal would operate from a back date implying that the licence was continuing and valid even for and during the interregnum cannot be countenanced. For instance, even if the licence is continuously valid for more than two years preceding the date of Notifications, there can be a situation where the holder of the licence may be inflicted with debarment/suspension of licence, in the context of Sections 19 to 23 of 1988 Act, for a period of time. Stricto sensu,



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the same licence, once such period of time elapses, would be valid but as per the Notifications, the said person would be ineligible to even apply for the posts of driver, if such debarment/suspension was within two years from the date(s) of the Notifications. Thus, we have no doubt in mind that for the term 'continuously' for the previous two years has to be given a straight-forward interpretation as per the literal meaning showing the actual legal and uninterrupted capacity of the person concerned for driving for at least two years continuously prior to the date(s) of the Notifications. We need not look too far or delve too deep for the meaning of the term 'continuously', as for the purposes of the present adjudication, it would suffice to refer to Black's Law Dictionary, Revised 4th Edition, 1968 at Page 393, which defines the said term as 'Uninterruptedly; in unbroken sequence; without intermission or cessation; without intervening time; with continuity or continuation'."

(Emphasis Supplied)

32. Applying the aforesaid legal position to the present case, it is evident that from 11.07.2022 till 05.08.2022, the respondent did not possess a valid and effective HMV license. On the crucial date, that is, 29.07.2022, his license had not been renewed. The statutory scheme does not permit this Court to consider the renewal retrospectively and validate the period of expiry, so as to cure the respondent's ineligibility. Therefore, we are of the view that on the date of eligibility, the respondent did not fulfil the eligibility conditions as provided under the Notice dated 08.07.2022.



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33. We also do not find merit in the submission of the respondent that as he had applied for renewal, the administrative delays should not prejudice him. It is well settled that eligibility conditions as on the cut-off date are sacrosanct and cannot be diluted on equitable considerations. To hold otherwise would amount to rewriting the recruitment Notice.

34. The respondent's contention based on legitimate expectation is equally untenable. The Offer of Appointment issued to the respondent was expressly provisional and subject to verification of documents. No vested right accrued merely because the respondent cleared successive stages of the selection process. Respondent's participation in the process does not cure the foundational ineligibility existing on the crucial date. The respondent's submission that the license was verified at earlier stages of the recruitment process is also misconceived. Verification at an intermediate stage does not estop the petitioners from enforcing eligibility conditions at the stage of final scrutiny. Clause 15.16 of the Notice preserves the respondents' authority to cancel candidature even after issuance of an offer if ineligibility is detected.

35. In view of the above, we are of the opinion that the learned Tribunal erred in importing a "beneficial and purposive interpretation" to the Act when the statutory amendment leaves no room for such elasticity. The renewal of the respondent's license on 05.08.2022 cannot relate back to validate its position as on the date of eligibility. Consequently, the respondent did not fulfil the essential qualification as on the closing date of the application and was not eligible for the post of Constable (Driver)-Male.



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36. For the aforesaid reasons, this Court holds that the Impugned Order dated 29.04.2025 passed by the learned Tribunal cannot be sustained and is, accordingly, set aside.

37. The writ petition filed by the petitioners is allowed. The pending application stands disposed of.

38. There shall be no order as to costs.

MADHU JAIN, J.

NAVIN CHAWLA, J.

MARCH 25, 2026/P