

(2006) 03 JH CK 0058
In the Jharkhand High Court
Case No : L.P.A. No. 729 of 2005

Naveen Kumar Singh and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 22-03-2006

Acts Referred:

Citation : (2006) 3 JCR 92

Hon'ble Judges : S.J. Mukhopadhaya, J; Dilip kumar sinha, J

Bench : Division Bench

Advocate : Dhananjay Kumar Dubey, for the Appellant; J.C. to A.G., for the Respondent

Final Decision : Dismissed

Judgement

1. Pursuant to the Advertisement No. 2 of 2004 for appointment on the post of constable driver for different districts, the appellants applied; appeared in tests and they were declared successful when the result was published in the newspaper on 29th May 2005. The said result was subsequently revised and published in the newspaper dated 23rd August, 2005, wherein the appellants were not declared as successful candidates.

2. Faced the aforesaid situation, the appellants preferred the writ application challenging the revised result published on 23rd August 2005. The learned Single Judge dismissed the writ petition on the ground that the appellants did not possess the requisite qualification i.e. licence for driving heavy vehicle. According to the learned Counsel for the appellants there was no such provision made either in the advertisement or in the rule that a person for appointment as constable driver should possess licence for driving heavy vehicle. The learned Single Judge has discussed the matter in detail at paragraph 6 of the impugned order and given the grounds, which reads as under:

Photocopy of the advertisement along with typed copy has been filed and marked Annexure-1 to the writ application. In order to appreciate the contention of the

parties, I would like to refer the condition put in the said advertisement regarding driving licence. The condition reads as under:

Motorgari chalane ki Anugyapati Jinke pass (bhari tatha chhoti/bhari gari chalane hetu) motor challan ki aisi anugyapati prapt ho jo rikt ke vigyapan ki tithi se kam se kam do vars purva nirgat ki gayee ho.

English Translation

Motor driving licence : A person having (heavy and light/heavy driving licence) such motor driving licence which must be issued at least two years prior to the date of publication of the vacancy.

3. In view of the aforesaid criteria laid down in the advertisement and proper English translation and interpretation made by the learned Single Judge, we find no ground made out to differ with the same. There being no merit, the appeal is dismissed.