

(2005) 12 JH CK 0029
In the Jharkhand High Court
Case No : WPS No. 5459 of 2005

Naveen Kumar Singh and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 07-12-2005

Acts Referred:

Citation : (2006) 1 JCR 162

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

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

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—Heard Mr. Dhananjay Kumar Dubey learned Counsel for the petitioners and Junior Counsel to Advocate General.

2. In this writ application the petitioner has prayed for quashing the revised result published by the respondents in the newspaper namely, "Hindustan" on 23.8.2005 whereby earlier result published on 29.5.2005 has been revised without any legal basis and further for a direction to the respondents to issue appointment letters to the petitioners for the post of Constable Driver.

3. The facts of the case lie in a narrow compass :

Pursuant to the advertisement No. 2 of 2004 for appointment to the post of Constable Driver for different districts, petitioner filled up forms and appeared in the test. The result-cum-merit list of successful candidates was published in the newspaper dated 29.5.2005 through which petitioners were declared successful. However, the said result was revised and the revised result was published on 23.8.2005 in which persons other than petitioners have been declared as successful candidates.

4. Mr. Dubey, learned Counsel for the petitioner firstly submitted that pursuant to

the advertisement petitioners fulfilled all the conditions and thereby Admit Cards were issued and they were found successful in and every events but the result was revised on the ground that petitioner did not possess license for driving heavy vehicles. According to the learned Counsel, in the advertisement there was no condition for possessing driving license of heavy motor vehicle and as a matter of fact in order to accommodate other candidates this condition was imposed by the respondents.

5. A counter affidavit has been filed wherein it is stated that decision was taken by the Selection Committee that only those successful candidates should be appointed who are having Heavy Driving License before publication of advertisement. Since petitioner did not hold driving licenses for driving heavy motor vehicle, -they were excluded from the revised list of successful candidates. Respondents further stated that all other Selection Board constituted by the Police Headquarter for the purpose of recruitment of police drivers in different J.A.P. Battalions, only those candidates were declared successful who hold heavy motor vehicle driving license issued to them prior to the publication of the advertisement. As a matter of fact, number of candidates have been excluded in the revised result who did not possess driving license of heavy motor vehicles.

6. Photocopy of the advertisement along with typed copy has been filed and marked Annexure-I 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 license. The condition reads as under:

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

English Translation :

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

7. From the advertisement, it appears that the candidates were required to possess driving license of heavy and light/ heavy motor vehicles.

8. Be that as it may, for the purpose of driving Armed Forces Vehicles, a candidate must possess driving license of heavy motor vehicles. In my opinion, no illegality has been committed by the issuing a revised select list of only those candidates who possess heavy motor vehicles driving license.

9. Besides the above, the law is well settled that merely because a person is declared successful and a select list is prepared for appointment, that does not give him indefeasible right of appointment and the respondent cannot be compelled to issue letter of appointment even if some irregularities committed in the preparation of select list. In this connection reference may be made to the decision of the Supreme Court in the case of All India SC and ST Employees

Association and Anr. v. A. Arthur Jeen and Ors. (2001) SCW 1720 and In the case of Lud-hiana Central Co-operative Bank Ltd. v. Amrik Singh and Ors. (2003) 6 S T196.

10. As noticed above, admittedly petitioners are not possessing heavy motor vehicles driving license. Merely because they were declared successful, they claim appointment as matter of right.

11. For the reasons aforesaid, no relief can be granted to the petitioner, which is, accordingly, dismissed.