

**(2022) 02 DEL CK 0139**

**In the Delhi High Court**

**Case No :** Civil Writ Petition No. 10281 Of 2021

Praveen

APPELLANT

Vs

Registrar General, Delhi High Court

RESPONDENT

**Date of Decision :** 14-02-2022

**Acts Referred:**

Constitution Of India, 1950 — Article 226

**Citation :** (2022) 02 DEL CK 0139

**Hon'ble Judges :** Manmohan, J;Navin Chawla, J

**Bench :** Division Bench

**Advocate :** Pranay Majumdar, Rajat Aneja, Rajula

**Final Decision :** Dismissed

## Judgement

Navin Chawla, J

The petition has been heard by way of video conferencing.

1. The present petition has been filed seeking setting aside of decision of the respondents, whereby the candidature of the petitioner for the post of 'Chauffeur' has been rejected. The petitioner further seeks setting aside of the letter dated 17.03.2021, whereby the representation of the petitioner seeking review of the aforementioned decision was rejected; and issuance of directions to the respondent for appointment of the petitioner to the post of 'Chauffeur', in the event he is found successful.

2. It is the case of the petitioner that pursuant to the advertisement published by the respondent, the petitioner had applied online for the post of 'Chauffeur' on 14.08.2019. The petitioner participated in the recruitment process and upon clearing the Written Test as well as the Driving Skill Test, the petitioner appeared before the Interview Board. Prior to appearing before the Interview Board, the petitioner had completed all formalities such as submission of photocopies of documents and display of originals of documents, including the Experience Certificates.

3. Despite the petitioner having successfully cleared the Interview Board, the petitioner was not found to be a successful candidate on the ground of 'original of Experience Certificate which was uploaded online was not produced'. The petitioner preferred a representation dated 28.01.2021 seeking review of the cancellation of his candidature, which was rejected by the respondent vide order dated 17.03.2021.

4. The learned counsel for the petitioner submits that the petitioner had got issued the first Experience Certificate from his employer vide Ref. No. 038 dated 28.09.2019 (hereinafter referred to as the 'Previous Certificate'), wherein the period of employment was mentioned as 'Working with us LMV Driver w.e.f. 24/08/2016 to till date', that is till the date of the issuance of the Experience certificate. He submits that the petitioner was under a bona fide impression that the petitioner ought to have a continuous or running Experience Certificate and, therefore, requested his employer to issue him a certificate to the effect that he had continuously been working for them for a period of last three years. It was based on this request that the petitioner's employer issued a fresh Experience Certificate mentioning the exact period for which he had worked with them (hereinafter referred to as the 'Current Certificate'), mentioning therein that the petitioner 'has been Working with us as an LMV Driver since last 3 Years'.

5. The learned counsel for the petitioner further submits that the petitioner had inadvertently uploaded the Previous Certificate at the time of filling out his online application for the advertised post, however, at the time of interview, produced the Current Certificate to show his experience. He submits that for this inadvertent mistake, his candidature could not have been cancelled by the respondents, especially where the petitioner fulfilled the eligibility criteria even with the Previous Certificate.

6. The learned counsel for the respondent, on the other hand, places reliance on the Vacancy Notice dated 01.08.2019 (hereinafter referred to as the 'Vacancy Notice') issued by the respondent inviting applications for the post of 'Chauffeur'. He submits that the Vacancy Notice states that at the stage of the Interview Board, the supporting documents will be subject to scrutiny and that in the event discrepancy is found in the online application, or any claim made in the online application is not found substantiated, the candidature of such candidates shall stand cancelled. The learned counsel for the respondent submits that there was a mismatch in the Experience Certificate submitted with the online application (that is, the Previous Certificate) and with the one presented at the stage of the Interview Board (that is, the Current Certificate), for which reason petitioner's candidature was rightly rejected by the respondents.

7. We have considered the submissions made by learned counsel for both the parties.

8. When inquired upon by this Court whether the petitioner had produced the originals of both the Previous Certificate as well as the Current Certificate before

the Interview Board, the learned counsel for the petitioner fairly answered in the negative. The two certificates, though bearing the same number and date, have different contents. The decision of the respondent not to place reliance on such Experience Certificate(s), therefore, cannot be said to be arbitrary or unreasonable.

9. In any case, we were informed during the proceedings that the recruitment process for the post of 'Chauffeur' now stands completed.

10. In light of the peculiar circumstances of the case, and especially because the recruitment process already stands completed and it is admitted by the petitioner that he did not produce the Previous Certificate before the Interview Board, this Court does not find it to be fit case to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India and direct the re-opening of a recruitment process, which would be unjust and unfair not only to candidates who were rejected on similar grounds but also to those candidates who had duly complied with the rules and regulations of the recruitment process and now stand recruited.

11. In view of the above, we find no merit in the present petition. The same is dismissed.