

(2018) 06 UK CK 0101

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 380 of 2018

Tahir Ahmed

APPELLANT

Vs

State of Uttarakhand & Another

RESPONDENT

Date of Decision : 22-06-2018

Acts Referred:

Citation : (2018) 06 UK CK 0101

Hon'ble Judges : LOK PAL SINGH, J

Bench : Single Bench

Advocate : Monika Pant, Anjali Bhargawa

Final Decision : Allowed

Judgement

40110

2018","40110

2210","40110

2269","40110

3117","40110

3203","40120

1118","40150

1021","40170

1146","40180

1139","40190

1100","40200

1126","40220

1083

40110

2096","40110

2268","40110

3103","40110

3202","40110

3208","40120

1197",,,,,,

9. The respondentsâ?? case in the counter affidavit is just contrary to what has been assigned in the impugned order is that the driving licence,,,,,,,,

possessed by the petitioner would not be treated as to be a valid driving licence because it was not a driving licence which goes to be in accordance,,,,,,,,

with clause-3 of the call letter as it did not bear the endorsement of driving of light motor vehicle. This stand taken by the respondents in the counter,,,,,,,,

affidavit is for the first time in the counter affidavit. This stand may not repose confidence to the Court to the stand taken by respondents, the reason",,,,,,,,

being had there been any sanctity on this stand, which has been taken by the respondent in the counter affidavit, then it ought to have been constituted",,,,,,,,

as to be the reason in the impugned order for rejecting the candidature of the petitioner. Since, this has not been attributed as to be the reason for",,,,,,,,

rejecting the candidature of the petitioner and the same has been rejected on the ground that he was not possessing a valid driving licence for a period,,,,,,,,

of three years prior to the date of advertisement, hence, the respondents cannot take the liberty to qualify their stand in the counter affidavit contrary",,,,,,,,

to what is basis for the impugned action in view of the judgment Mohinder Singh Gill and another vs. The Chief Election Commissioner, New Delhi",,,,,,,,

and others reported in AIR 1978 SC 851.,,,,,,,,,

Relevant paragraph of the judgment is quoted hereinbelow:,,,,,,,,

â??8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by",,,,,,,,

the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the",,,,,,,,

beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out. We may here draw",,,,,,,,

attention to the observations of Bose J. in Gordhandas Bhanji (AIR 1952 SC 16((at p. 18)â??,,,,,,,,,,

10. In view of the above discussion, the writ petition succeeds and is allowed. The impugned order dated 20.02.2018 rejecting candidature of petitioner",,,,,,,,,,

is quashed. A writ of mandamus is issued commanding and directing the respondents to consider the candidature for appointment of the petitioner in,,,,,,,,,

the post of Group C driver bearing Code No. G30 in pursuance to selection process called Group C Combined Recruitment Examination 2011 for an,,,,,,,,,

LMV category,,,,,,,,,

11. No order as to cost.,,,,,,,,,,