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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No.1010 OF 2004

New Delhi, this the 23th day of April, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI R.K. UPADHYAYA, ADMINISTRATIVE MEMBER

Shri Naresh Kumar Khowar
S/o Shri Chiranjil Lal
R/o H-548, Dakshin Puri, New Delhi-110062.
.....Applicant
(By Advocate : Shri R.K. Tiwari)

Versus

1. Commissioner of Police,
MSO Buildings, 9th Floor, I.P.Estate,
New Delhi-2.
2. Deputy Commissioner of Police (Establishment)
both to be served at Police Hqrs.,
MSO Building,
9th Floor, IP Estate, New Delhi-110002.
.....Respondents

ORDER (ORAL)

SHRI JUSTICE V.S. AGGARWAL:-

An advertisement appeared pertaining to the recruitment of Constable (Driver) in Delhi Police. The educational and other qualifications were:-

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| "Education & other qualification | i) Matriculate or equivalent from a recognized Board/institute.
ii) Should be able to drive vehicles with confidence.
iii) <u>Current driving licence for heavy vehicles with confidence.</u>
iv) Possess knowledge of maintenance of vehicle.
v) Should be of sound health, free from decease/defeat/deformity.
vi) Better eye 6/6 without glasses, worse eye 6/12 without glasses free from colour blindness. (No relaxation permissible)." |
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(emphasis added)

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2. The applicant was one of the candidates who cleared all the test but at the ultimate stage a notice had been issued reciting that at the time when the applicant applied for the post, he was not possessing a valid driving licence for HTV/HMV/HGV and, therefore, his candidature has been cancelled.

3. By virtue of the present Original Application, the said order dated 23.2.2004 is being assailed.

4. Learned counsel for the applicant contends:- (a) he has been possessing the relevant licence at every stage and no objection had ever been taken; and (b) in any case, during the pendency of the procedure that he had to undergo, the applicant obtained Heavy Motor Vehicle licence and, therefore, the claim of the applicant has wrongly been rejected.

5. Needless to state that it has also been urged that as per the Delhi Police (Promotion and Appointment) Rules, 1980, the educational and other qualifications in this regard are Matriculation and equivalent, ability to drive heavy vehicle with confidence and possession of driving licence for heavy motor vehicles, besides knowledge of maintenance of vehicle.

6. We have carefully considered the above submissions.

7. The principle of law is well settled that a person at the time, he applies for the post must


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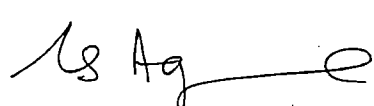
possess the requisite qualifications at the time when he applies for the post. In the present case, admittedly, at the relevant time, the applicant did not possess the requisite qualification and, therefore, the candidature of the applicant was rightly rejected.

8. It is unfortunate that the applicant had to undergo the agony of all the tests and at the time of final stage, he was told that he was not qualified. We deprecate such a practice because due care and caution must be observed. Despite what we have recorded in the preceding sentence, law has to take its course. The applicant who is not eligible will not become eligible for consideration.

9. As regards, Rule 17 A of the Delhi Police (Promotion and Appointment) Rules, 1980, it is true that a person has to have a driving licence for heavy/light vehicles. But in the present case, the requirement as is apparent from the advertisement was HTV/HMV/HGV and, therefore, the applicant had to have the necessary Heavy Motor Vehicle licence. In that view of the matter, we find no error in the impugned order so passed.

10. Resultantly, the present Original Application being without merit, must fail and is dismissed in limine.


(R.K. UPADHYAYA)
ADMINISTRATIVE MEMBER


(V.S. AGGARWAL)
CHAIRMAN