

**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**  
**Writ Petition (S/S) No. 1165 of 2013**

Pratap Singh

... Petitioner

Vs

State of Uttarakhand & others

... Respondents

Mr. Tapan Singh, Advocate, present for the petitioner.

Mr. N.P. Sah, Standing Counsel, present for the State of Uttarakhand.

Mr. Rakesh Thapliyal, Advocate, present for respondent No. 4.

**Hon'ble Sudhanshu Dhulia, J. (Oral)**

1. In the present matter certain vacancies were advertised, including the vacancy of Instructor, Mechanic Motor Vehicle & Driving in Industrial Training Institute in Uttarakhand. According to the petitioner, he secured 60 marks in the selection process, but his name was not placed in the select list, as he was not having a driving licence of heavy motor vehicles.

2. Learned counsel for the petitioner contends that this was wrong on the part of the respondent as the petitioner had a valid licence which he had duly submitted to the authorities along with the application form. The said exam was conducted by Technical Education Board, Roorkee, Haridwar and according to them, the petitioner was not having valid driving licence.

3. On the last occasion this Court summoned the Director, Directorate Training & Employment, Haldwani, District Nainital. He was present before this Court and gave a statement that on re-examination, it has been found that the petitioner has a driving licence and it was the inadvertent mistake entirely on the part of the

Department. The order passed by this Court on 29.04.2014 reads as under:-

“Mr. Tapan Singh, Advocate present for the petitioner.

Mr. Vikas Pandey, Brief Holder present for the State.

Mr. Shailesh Bagoli, Director, Directorate, Training & Employment, Uttarakhand, Haldwani District Nainital is present in the Court. He has given a statement before this Court that due to inadvertence, the certificate of the petitioner which includes the driving license could not have been examined in its proper perception. Later on, an enquiry was conducted on which it was found that petitioner has a licence. This mistake is inadvertent.

List this petition on 30.04.2014 in the daily cause list.

Personal appearance of Mr. Shalesh Bagoli, Director, Directorate, Training & Employment, Uttarakhand, Haldwani District Nainital is exempted.”

4. Now it is an admitted case of the respondents that the petitioner had a driving licence. Moreover, candidates having much less marks than the petitioner have been selected. The lowest marks obtained by the last candidate is 27.50 marks, who has been selected and given appointment whereas the petitioner is having 60 marks who has been denied on the ground which was actually not in existence.

5. In view thereof, the writ petition succeeds. The respondents are directed to give appointment to the petitioner forthwith on the post of Instructor Mechanic. It is also made clear that the seniority of the petitioner shall be considered from the date, the other candidates have been appointed, as the mistake was entirely on the part of the respondents.

**(Sudhanshu Dhulia, J.)**

30.04.2014

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