

W. P. No.1461/2016

29.1.2016

Dr. Anuvad Shrivastava, counsel for the petitioner.

Shri B. N. Mishra, counsel for respondents.

Heard counsel for the parties on admission.

Initially we were inclined to give time to the respondent to file reply about the factual position as was argued across the Bar by the counsel for the petitioner. Counsel for the petitioner, however, insisted for immediate orders. Hence, we have no other option but to proceed with the arguments on the basis of the documents available on record.

The first grievance of the petitioner is that the form notified online does not provide for submission of driving license as a pre-requisite to entertain the same. Secondly, he made attempt to upload the driving license online but was unsuccessful and for which reason his application cannot be treated as incomplete.

The first argument can be straightway answered on the basis of the contents of the form to be submitted by the incumbent online. The blank form appended to the writ petition at Pages 20 and 21 itself makes it clear that for the post of driver, the applicant was required to state about the technical qualifications and his ability to drive the vehicle.

This was besides the documents to be provided, against the column in support as specified in the later part of the form, in particular, with reference to specifications at Serial Nos.5 and 7 thereof.

Realizing this position, perhaps the petitioner has make halfhearted attempt of suggesting that he tried to upload the driving license online but was unsuccessful. This ground, however, is unsubstantiated. No material fact to support that plea has been produced. Such vague plea cannot be permitted. Notably, if the petitioner could upload his photograph and signature as can be discerned from Annexure P-2 at Page 22 along with the application form online, there is no reason why in the same manner the petitioner could not have uploaded the driving license along with his form in the same manner. This plea taken by the petitioner, therefore, is an argument of desperation.

Realizing this position, the petitioner would then contend that the petitioner did not get enough time to cure the defect in the application as the petitioner learnt about the defect in the application only one day before the last date for submitting the application. Indisputably, the advertisement and the guidelines specified for filling the online application form was placed in public domain well in advance. It was also notified that if there is any doubt,

the prospective candidate may contact the designated officer on telephone number/e-mail. The petitioner before filling the form should have resorted to that remedy, if he was really vigilant and was serious in filling the form which was to be done online.

Taking any view of the matter, therefore, no interference is warranted.

Accordingly, the petition is **dismissed**.

(A. M. Khanwilkar)
Chief Justice

(Sanjay Yadav)
Judge

Anchal