

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 2168 of 2021

Date of decision: March 31, 2021.

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Praveen

.....Petitioner

Versus

Himachal Pradesh Road Transport Corporation and other .....Respondents.

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*Coram*

**The Hon'ble Mr. Justice Ravi Malimath, *Judge*.**

**The Hon'ble Ms. Justice Jyotsna Rewal Dua, *Judge*.**

*Whether approved for reporting?<sup>1</sup>*

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For the petitioner : Mr. D.N. Sharma, Advocate.

For the respondents : Mr. Vir Bahadur Verma, Advocate.

**THROUGH VIDEO CONFERENCE**

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**Ravi Malimath, *Judge (Oral)***

The case of the petitioner is that he applied for the post of driver called for by the respondents. Various persons had applied for the same. The petitioner was not selected. The list of candidates selected against the 400 posts were announced by the respondents. The petitioner's name did not find a place therein. Thereafter, the instant petition was filed.

2. The learned counsel for the petitioner contended that there was no criterion adopted for the purpose of selection of the drivers and the selection has been made in a manner without following any procedure.

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<sup>1</sup> *Whether the reporters of the local papers may be allowed to see the Judgment?*

3. Learned counsel for the respondents submits that the manner in which the selection has to be made is spelled out from the letter of advertisement vide Annexure P-1, in terms of which, for the said post, the driving test would be conducted and marks would be allotted. In case the petitioner was not satisfied with the manner in which the selection has made, he should have objected there and then. He has chosen not to do so. The selection process is based upon the driving test and marks to be obtained. Therefore, at such a belated stage, the petitioner cannot question the very process of selection. The said position of law has been reiterated by various judgments of the Hon'ble Supreme Court on this point that having participated in the selection process, the candidate cannot question its validity thereafter. Hence, we do not find any merit in the petition and the same is dismissed.

**( Ravi Malimath )**  
**Judge**

**( Jyotsna Rewal Dua )**  
**Judge**

31<sup>st</sup> March, 2021  
(*vs/tarun*)