



2025:DHC:2629-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2468/2020

RINKU KANJARPetitioner

Through: Mr. P. Sureshan, Adv.

versus

UNION OF INDIA AND ORS.Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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15.04.2025

C. HARI SHANKAR. J.

1. Pursuant to a notification issued by the Central Industrial Security Force¹ in November 2016, inviting applications for temporary post of Constable/Driver against backlog vacancies, the petitioner applied.

2. One of the essential eligibility criteria, as contained in Clause 2(c) of the notification, required the petitioner to possess a driving licence on 19 November 2016, which was the cut-off date. The provision reads thus:

¹ "CISF", hereinafter



“2(c) Driving Licence: The candidate should have a valid driving licence for

- (i) Heavy Motor Vehicle or Transport Vehicle;
- (ii) Light Motor Vehicle
- (iii) Motor cycle with gear

Note: - Light Motor Vehicle licence should be obtained after attaining the age of eighteen years and Heavy Motor Vehicle license after attaining the age of twenty years.

Attention is also drawn to the following clause in the Motor Vehicle Act 1988,

a) Section (4) Age limit in connection with Driving of Motor Vehicles

- (i) No person under the age of 18 years shall drive a Motor Vehicle in any public place
- (ii) No person under the age of 20 years shall drive a Transport Vehicle in any public place.

b) Section (7) Restrictions on the granting of Learners License for certain Vehicles;

- i) No person shall be granted a learners license to drive Transport Vehicle unless he has held a driving license to drive a Light Motor Vehicle for at least 01 year.

Note:

1. Unless the above provisions of Motor Vehicle Act are complied in the documents (Driving License) submitted by the candidates, the Driving License will be treated as invalid as per Motor Vehicle Act and the candidature will be rejected.

2. License for Motor Cycle with gear and LMV licence obtained before attaining the age of 18 years and HMV/Transport Vehicle Licence obtained before attaining the age of 20 years will not be considered valid and the candidature will be rejected, unless a certificate from the concerned RTO regarding the validity of the licence is enclosed.



3. Candidates who have been issued Motor Cycle with gear, LMV and HMV driving licences on a same day have to produce a certificate from the concerned RTO to the effect that the license is valid otherwise their candidature will be rejected.”

3. Thus, the petitioner was required, in order to be eligible for appointment as Constable/Driver, to possess a Heavy Motor Vehicle²/Transport Vehicle, a Light Motor Vehicle and a Motorcycle licence with gear.

4. Admittedly, on 19 November 2016, the petitioner did not possess an HMV licence, though he claims to have had a learner’s licence on that date. An HMV licence came to be issued to the petitioner subsequently on 21 December 2016, beyond the last date for receipt of application and for submission of the licence.

5. There is no dispute about the fact that the petitioner satisfied other qualifications for the post and that he also cleared all examinations and tests resulting in his name figuring in the final result which was issued in March 2017.

6. On 12 April 2017, the respondent wrote to the petitioner, submitting that as per the observations of the Force Headquarters, at the time of verification of documents, it was seen that the HMV licence submitted by the petitioner, issued by the transport authorities at Behror, Rajasthan, was issued on 21 December 2016, after the last

² “HMV”, hereinafter



date for submission of applications which was 19 November 2016. Pointing out that if the licence had not been issued prior to 19 November 2016, the candidature of the petitioner was liable to be cancelled under para 7(17)(g) of the notification, the petitioner was directed to produce the RTO certificate so that the actual date of issuance of the HMV licence could be verified. Para 7(17)(g) reads thus:

“7(17) Applications, which are not filled up as per instruction or partly filled up applications will not be entertained and no correspondence will be made. Applications may be rejected due to the reasons such as:

(g) Not possessing the requisite Driving licenses at the time of submitting application”

7. We may note that there is no dispute about the fact that, in fact, in the case of the petitioner, the HMV license produced by him, issued by the Behror RTO was issued only on 21 December 2016, after the cut-off date of 19 November 2016.

8. On 24 July 2017, the respondent again wrote to the petitioner, pointing out that the petitioner had not produced the required certificate from the RTO Behror, as would certify that the HMV driving licence produced by the petitioner was issued prior to 19 November 2016. Instead, the petitioner by then produced driving licence issued by the Government of Nagaland.



9. Apropos these latter driving licences, the respondent wrote to the petitioner on 14 December 2018, pointing out that the petitioner had produced two driving licences issued by the Government of Nagaland on 27 April 2017 and 8 November 2010, reflecting different residential addresses of the petitioner. It was also pointed out that, under Section 6(1)³ of the Motor Vehicles Act, 1988, one person could not possess more than one driving licence at the same time. The petitioner was requested to clarify the position.

10. The petitioner, in its response, sought to submit that the two driving licences issued by the Government of Nagaland were, in fact, the same, as one was a manual driving licence and one was a smart card driving license. He also sought to submit that he had two residential addresses at Nagaland in which the permanent address was reflected in the smart card driving licence.

11. To a query from the Court, Mr Sureshan, learned Counsel for the petitioner, acknowledges that the petitioner is, in fact, a residence of Rajasthan, not of Nagaland, but that he had provided addresses in Nagaland so as to obtain driving licences from that State. Be that as it may, we do not deem it necessary to enter into that controversy.

³ 6. **Restrictions on the holding of driving licences. –**

(1) No person shall, while he holds any driving licence for the time being in force, hold any other driving licence except a learner's licence or a driving licence issued in accordance with the provisions of Section 18 or a document authorising, in accordance with the rules made under Section 139, the person specified therein to drive a motor vehicle.



12. The petitioner professed ignorance of Section 6 of the Motor Vehicles Act.

13. In any event, the petitioner submitted that, as a driving licence had been issued by the Behror RTO, the petitioner was entitled to be appointed as Constable/Driver.

14. On 18 January 2019, the transport authorities in Nagaland suspended the driving licences issued by the RTO Nagaland, under Section 19(1)(e)⁴ of the Motor Vehicles Act. Be it noted, Section 19(1)(e) provides for suspension of a driving licence obtained by fraud or misrepresentation.

15. *It is not in dispute that the petitioner did not challenge the said order by any means known to law. In other words, the petitioner has acquiesced to the cancellation of the driving licences issued by the authorities at Nagaland on the ground that they had been obtained by fraud or misrepresentation.*

⁴ 19. Power of licensing authority to disqualify from holding a driving licence or revoke such licence. –

(1) If a licensing authority is satisfied, after giving the holder of a driving licence an opportunity of being heard, that he—

(e) has obtained any driving licence or a licence to drive a particular class or description of motor vehicle by fraud or misrepresentation;

it may, for reasons to be recorded in writing, make an order—

(i) disqualifying that person for a specified period for holding or obtaining any driving licence to drive all or any classes or descriptions of vehicles specified in the licence; or

(ii) revoke any such licence.



16. On 24 July 2019, the respondent issued an order to the petitioner, stating that, after examination of his case and perusal of the records submitted by the RTO authorities at Behror and at Nagaland, the petitioner's candidature was being cancelled as he had failed to produce any valid driving license issued by the Behror authorities before the cut-off date of 19 November 2016.

17. Aggrieved by the said decision, the petitioner has approached this Court by means of the present writ petition.

18. We have heard Mr. Sureshan, learned Counsel for the petitioner at length.

19. Mr. Sureshan relies on the reference, in Clause 2(c) of the notification inviting applications for the post of Driver/Constable, issued by the CISF in November 2016 and pursuant to which the petitioner applied, to the extent it makes reference to Section 7 of the Motor Vehicles Act, particularly to Clause 1 thereof, which states that "no person would be granted a learner's license to drive a transport vehicle unless he has held a driving license to drive a light motor vehicle for at least one year". According to Mr. Sureshan, the inclusion of this stipulation was meant that the HMV learner's license held by the petitioner on 19 November 2016 sufficed as a valid HMV driving license in order to entitle the petitioner to recruitment.



20. Besides, Mr. Sureshan submits that the petitioner was issued a valid driving license by the Behror RTO shortly after the cut-off date, on 21 December 2016. That apart, on the cut-off date, the petitioner was also in possession of the driving licenses issued by the Nagaland authorities.

Analysis

21. None of these contentions, in our considered opinion, make out a case for grant of relief to the petitioner.

22. Insofar as the reference to the submission of Mr. Sureshan that possession of a learner's license was sufficient, the contention has merely to be stated to be rejected. A learner's license does not even entitle a person to drive a vehicle unaccompanied on the road; much less can it entitle someone to be appointed as a Constable/Driver in the CISF. Besides, the notification does not, at any stage, state that a learner's license would suffice as a driving license for the purposes of Clause 2(c). What the petitioner was required to be in possession of was a driving license for HMV/transport vehicle, LMV as well as motorcycle with gear. If he did not have valid driving license for these categories of vehicles, he was not entitled to be considered for recruitment. We are clear in our mind that the expression "driving licence" would not encompass, within its fold, a learner's licence.



23. Thus, admittedly, on 19 November 2016, which was the cut-off date for producing the relevant documents, the petitioner did not have a valid driving license for HMV. The driving license came to be issued by the Behror RTO only on 21 December 2016.

24. The petitioner, therefore, did not fulfil the requisite qualification of possessing a valid HMV driving license on the cut-off date of 19 November 2016.

25. The Supreme Court has, in various decisions, upheld the sanctity of a cut-off date and has exhorted courts not to relax cut-off dates unless the concerned advertisement or notification permits it. The reason is obvious. If, for example, in the present case, the cut-off date was to be relaxed, there would be several candidates whose driving licenses might have been issued after the cut-off date who may not have applied because they did not have a valid driving license on that date. The petitioner cannot be singled out for special treatment.

26. As things stand, the petitioner did not have any valid driving license issued by the Behror RTO on the cut-off date.

27. Insofar as the driving licenses issued by the Nagaland RTO authorities are concerned, the petitioner could obviously not rely on the said driving licenses as they came to be cancelled under Section



19(1)(e) on the ground that they have been obtained by fraud and misrepresentation. As we have noted, that decision has never been challenged by the petitioner. The petitioner has impliedly acquiesced to the said decision and to the cancellation of his driving licenses on that ground. A license which was obtained by fraud or misrepresentation has no sanctity in law whatsoever. Fraud, classically, vitiates everything, ecclesiastical as well as temporal.⁵

28. The result is that, 19 November 2016, the petitioner was not in possession of a valid HMV driving license. This was an essential condition as per the recruitment notification.

29. There is, therefore, no error in the respondent's decision to cancel the petitioner's candidature.

30. We regret our inability to come to the aid of the petitioner. The writ petition is accordingly dismissed.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

APRIL 15, 2025

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[Click here to check corrigendum, if any](#)

⁵ S.P. Chengalvaraya Naidu v Jagannath, (1994) 1 SCC 1; Devendra Kumar v State of Uttaranchal, (2013) 9 SCC 363