

# **SUPREME COURT OF INDIA**

Mohd.Ansary

Vs.

Secy.,Kerala Public Service Commission

(G.B.Pattanaik and U.C.Banerjee JJ.)

06.12.1999

## **ORDER**

1. The judgment of the Kerala High Court is under challenge, inter alia on the ground that the High court has not followed the earlier decision of the same Court and that the note appended to the notification issued under Section 21 of the Kerala Public Service Commission Act, 1968 has not been considered.

2. The question for consideration whether the applicant who did not possess the licence for driving motorcycle on the date of the application could be ineligible for being considered, as has been done in this case. The criterion to have a driving licence for the driving motorcycle was issued by the Government of India in exercise of its power under sub-section (4) of Section 213 of the Motor Vehicles Act.

3. Mr Sukumaran contends that notwithstanding the said notification, the rule which was in force in the State of Kerala should be made applicable and therefore in view of the note, notwithstanding the fact that the applicant did not possess the licence on the

date of the application would be entitled to be considered, as he can acquire the same during the period of probation. On examining the note we find that such note would be applicable only when duly qualified candidates are not available. The said note will have no application to this case in hand, as it is nobody's case that sufficient number of qualified candidates were not available.

4. Thus the petitioner did not possess the requisite qualification for being considered. Neither was he having a valid driving licence for a motorcycle nor has he produced the required certificate on the last date of receipt of the application.

5. In the result, we see no merits in this petition. The SLP is dismissed accordingly.