

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**LPA No. 892 of 2025****Date of decision: 19.08.2026**

Ajay Kumar	...Appellant
------------	--------------

Versus

State of H.P. & Ors.	...Respondents
----------------------	----------------

Coram

The Hon'ble Mr. Justice G. S. Sandhawalia, Chief Justice.***The Hon'ble Mr. Justice Bipin C. Negi, Judge.****Whether approved for reporting?***For the Appellant:** Mr. Sarthak Mehta, Advocate.**For the Respondent:** Mr. Pranay Pratap Singh, Additional Advocate General, for respondents No. 1 and 2.

Mr. Vikrant Thakur, Senior Advocate with Ms. Shivani Priya, Advocate, for respondents No. 3 and 4.

G. S. Sandhawalia, Chief Justice (Oral)

In the present appeal, consideration is sought to the judgment passed by the learned Single Judge in **CWP No. 5466 of 2023**, titled as **Ajay Kumar vs. State of H.P. & Ors.**, whereby the petition filed by the present appellant was dismissed on 16.09.2025.

2. The challenge in the writ petition as such was to the selection of respondent No. 5 as a recommended candidate for the post of Chief Inspector (Boilers) in light of

the essential qualification as mentioned in the advertisement dated 07.12.2022 (Annexure P-1) of the respondents-Commission.

3. The learned Single Judge vide a detailed judgment as such had noticed the fact that in pursuance of the advertisement dated 07.12.2022 (Annexure P-1), six candidates including the present appellant and private respondent had submitted their representations and a Committee had been constituted by the Commission, which included Additional Director of Industries as its Expert Member. Only two candidates as such were considered for personality test and remaining four candidates were rejected for want of satisfying the requisite criteria. The said test was held on 11.08.2023 and the private respondent emerged as successful and his name was recommended by the Commission and eventually, he was appointed as Chief Inspector (Boilers) on 26.08.2023.

4. The learned Single Judge had relied upon the judgments passed by the Apex Court in **Basavaiah vs. Dr. H.L. Ramesh & Ors., (2010) 8 SCC 372, Jagat Bandhu Chakraborti vs. G. C. Roy & Ors. (2000) 9 SCC 75** and **Tajvir Singh Sodhi & Ors. vs. State of Jammu and Kashmir & Ors., (2023) 17 SCC 147** and had come to the

conclusion that it was not within the domain as such of the Courts to exercise the power of judicial review to enter into the merits of a selection process, especially, once there was the selection committee alongwith the experts and in the case of lack of any arbitrariness, the Courts could not as such interfere.

5. It was also noticed that there was no allegation of *mala fide* levelled either against the constitution of the Committee or against any of its members and due deference had to be given to the recommendations of the Expert Committee.

6. Apart from that, the learned Single Judge was at pains to examine the certificates produced by respondent No. 5 to show that the experience was of 16 years and 14 days, which was more than the requirement as per the advertisement and rules in question and the requisite condition was 10 years experience in the managerial capacity in the field of design, construction, erection, operation, testing, repair, maintenance or inspection of Boilers or in the implementation of the Boilers Act, 1923 and the rules and regulations framed thereunder. The other alternative as such were minimum 4 years experience as Deputy Chief Inspector (Boilers); minimum 8 years total experience as Deputy Chief

Inspector (Boilers) and Inspector (Boilers) and minimum 8 years experience as Inspector (Boilers).

7. The factum of having worked with various industries including Reliance Industries, ONGC, Deepak Fertilizer and Petrochemical Corporation and the experience counted from 16.02.2005 till 05.05.2022 was taken into consideration. The learned Single Judge had also examined the certificates given by the Companies to come to the conclusion that the requirement as such of the essential qualification had been duly made up and, therefore, had come to the conclusion that this was not for the Court to substitute its own view with that of experts.

8. Learned counsel for the appellant has again stressed on the fact that the certificates had failed to give a specific area of operation and whether the fact that respondent No. 5 had worked in the filed of design/construction/erection/operation/testing/repair/maintenance and argued that the said description of work as such was separate and, therefore, merely being in managerial capacity as such, would not suffice.

9. We have gone through the paper-book and also found that as per the proceedings of the Committee

constituted (Annexure R-1) both the candidates as such had been called for the personality test.

10. The reply of the respondents-Commission as such would go on to show that 14 candidates were provisionally admitted and on scrutiny of documents, their candidatures were not found in order and the rejection list containing the names of all the 14 candidates was uploaded on the official website and they were given opportunity to submit their requisite documents in support of their candidature till 13.02.2023. Only six candidates had made their representations and only the documents of two candidates were found in order, who were provisionally admitted for personality test.

11. The Committee had then also taken into consideration the fact that both the petitioner and respondent No. 5 had no experience in working in government department and had come to the conclusion that both the candidates were well versed in the implementation of the Boilers Act, 1923 and IBR, 1950.

12. We have also gone through the certificate on the basis of which the appellant as such had been putting forth his case, which was apparently as head of the Inspection Service with TUV Indian Pvt Ltd. based at Yamunanagar, with which he

had worked from 17.10.2012 till 14.03.2022 in the field of design, testing, repair and inspection of boilers as per Indian Boilers Regulation, 1950.

13. Apparently, the learned Single Judge in contrast as such had also noticed the experience certificates, which had been issued in favour of the private respondent and examined the same in detail. The relevant part reads as under:-

“Certificate at serial No.1 is available at pages-44 & 45 of the paper book. Page 44 dated 22.10.2008 certifies that the petitioner worked in the Reliance Industries Limited w.e.f. 16.02.2005 as Boiler Operation Engineer (Designation-Manager) & looked after the operation and maintenance of the Boilers mentioned therein (Page-44). Page-45 of the paper book bearing issue date 03.04.2009 further certifies that respondent No.5 had joined the organization on 16.02.2005 and left it on 03.04.2009 as Manager Mechanical.

Certificate at serial No.2 has been issued by the ONGC Petro Additions Limited. This certificate is not part of the paper book, though application furnished by respondent No.5 for the post in question as appended by respondents No.5 along with his reply at Annexure R-2 reflects that the said certificate of experience was issued to respondent No.5 on 07.06.2022 and was part of his application. I have seen the said certificate in the record. Copy of the same has been made available by learned counsel for respondents No.3 & 4. As per certificate dated 07.06.2022 issued by ONGC, respondent No.5 had joined the organization as Senior

Manager on 24.05.2019 in Maintenance/Engineering Services and resigned on 05.05.2022. Learned counsel for the respondent-HPPSC, submitted that at the time of personality test, respondent No.5 had furnished the experience certificate from ONGC in different format, though the gist of the certificate and the experience mentioned therein remained the same. I have seen the said new certificate dated 28.07.2023, which respondent No.5 is stated to have furnished at the time of personality test. The said certificate records that during respondent No.5's tenure at ONGC, he was looking after Corrosion and Inspection of different Boilers in Captive Power Plant and Dual Feed Cracker Unit.

Certificate at Serial No.3 has been issued by the Reliance Industries and is available at page-49 of the paper book. Petitioner's designation was reflected therein as Senior Manager with job role of Sr. Engineer Reliability Static with date of joining as 18.11.2013 & date of leaving as 20.05.2019.

Certificate at serial No.4 issued by the Deepak Fertilizers and Petrochemicals Corporation Limited is available at pages-46 & 47 of the paper book. The said certificate issued on 20.08.2012 (page-46) certifies that respondent No.5 had served as Manager in the different fields mentioned therein related to Boilers w.e.f. 06.04.2009 to 20.09.2012.

The total period of experience of respondent No.5 in terms of above four certificates is 16 years, 0 month and 14 days. Respondent No.5, therefore, had the requisite experience for the post in question."

14. In such circumstances, the learned Single Judge had come to the conclusion that the experience was of 16 years and 14 days. The factum that the private respondent had also worked for different multinational companies as such, was apparently kept in mind by the Expert Committee and preference was accordingly given for his appointment. The view thus taken by the learned Single Judge was based on the binding precedents of the Apex Court that the judicial review is limited to the extent as to whether it can substitute the opinion of the Selection Committee, which had come into contact with the selected candidate and also the appellant. Having found that in the personality test, the private respondent had better experience as such having worked with the different companies for over a period of 16 years, apparently preference had been given to the said respondent.

15. In such circumstances, we are not in a position to accept the arguments of the learned counsel for the appellant that respondent No. 5 as such was not suitable for the post in question and on the basis of the certificate issued in favour of the appellant, he should be given preference as such.

16. Resultantly, we do not find any plausible reason to interfere with the judgment passed by the learned Single

Judge and accordingly, the appeal is dismissed, so also pending applications, if any.

(G. S. Sandhawalia)
Chief Justice

19th August, 2026
(sanjeev)

(Bipin C. Negi)
Judge