

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 1968 of 2013

Date of Decision : July 14, 2015

Naveen Kumar Petitioner

Vs.

State of Punjab and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. O. P. Kamboj, Advocate
for the petitioner.

Mr. Suresh Singla, Addl. A. G., Punjab
for respondent no. 1.

Ms. Radhika Suri, Senior Advocate
with Ms. Rajni Paul, Advocate
for respondents no. 2 to 4.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner seeks consideration of his case for appointment as Junior Engineer (Electrical) in the respondent Punjab State Power Corporation Limited (hereinafter referred to as – the Corporation).

Through advertisement no. CRA 272/2011, respondent Corporation had invited applications for appointments to various posts including the posts of Junior Engineer (Electrical). As per the advertisement, the prescribed academic qualification, amongst others, was a Degree in Electrical Engineering and the selection was to be on the basis of marks secured in the written test.

The petitioner, who belongs to the Scheduled Caste category and possessed a Degree in Electrical and Electronics Engineering, applied for consideration of his candidature. The petitioner's score in the written test was 41.75 marks. His candidature was not considered since the qualification possessed by him was not one of the prescribed qualifications. The petitioner challenged the above action of the respondent Corporation through **C. W. P. No. 16230 of 2012 – Naveen Kumar vs. State of Punjab and others**, which was disposed of vide order dated 23.08.2012, through which directions were issued to the respondent Corporation to decide the grievance of the petitioner, for which he had already issued a legal notice, by passing a speaking order.

In compliance with the order of this Court, a speaking order was passed through which the claim of the petitioner was rejected by stating that the qualifications possessed by the petitioner did not match with the prescribed qualifications in the advertisement. The above rejection gave a cause to the petitioner to approach this Court through the present writ

petition.

The only ground, on which the petitioner's candidature for selection and appointment as Junior Engineer (Electrical) has been rejected, is that he possessed the Degree in Electrical and Electronics Engineering, whereas the prescribed qualification in the advertisement was a Degree in Electrical Engineering.

Learned counsel for the parties are ad idem that the case of the petitioner is covered in his favour by a recent judgment of this Court in the case of **Gurdeep Singh and others vs. Punjab State Power Corporation Limited and others - C. W. P. No. 387 of 2014**, decided on 27.05.2015, wherein this Court has held the Degree in Electrical and Electronics Engineering to be equivalent to Degree in Electrical Engineering for the purpose of appointment to similar posts in the respondent Corporation.

That being so, the petitioner is held eligible for consideration of his candidature for appointment as Junior Engineer (Electrical). However, it may be noticed that through advertisement no. CRA 272/2011, 260 posts of Junior Engineer (Electrical) were sought to be filled up. Only 45 candidates including the petitioner cleared the test. Thereafter, a fresh advertisement being advertisement no. CRA 276/2012 was issued inviting applications for filling up the remaining 215 posts of Junior Engineer (Electrical). The Court has been informed that the petitioner did not apply

in pursuance to the advertisement no. 276/2012 since he was awaiting the outcome of the present writ petition.

In the peculiar facts of this case, the petition is disposed of with a direction that if there is any unfilled post under the reserved category, to which the petitioner belongs, falling within the advertised 260 posts of Junior Engineer (Electrical) and if a person lower in merit than the petitioner has been appointed, then the petitioner be offered appointment against that vacant post.

No costs.

(DEEPAK SIBAL)
JUDGE

July 14, 2015
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