

**IN THE HIGH COURT OF HARYANA AND HARYANA AT
CHANDIGARH**

CWP No.12553 of 2013(O&M)

Date of decision:3.8.2016

Ravi Dutt & ors.

... Petitioners

Versus

Dakshin Haryana Bijli Vitran Nigam & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Sanjay Mittal, Advocate,
in CWP No.12553 of 2013,
Mr. Jai Singh Yadav, Advocate,
in CWPs No.16025 , 15711, 6675, 8485, 11520, 15745,
15776 of 2013, COCPs No.391 and 1118 of 2015.
Mr. Jai Vir Yadav, Advocate,
in CWP No.15604 of 2013
Mr. SK Sud, Advocate,
in CWP No.11798, 11960 of 2013
for the petitioner(s).

Mr. Raheel Kohli, Advocate,
for the respondents-DHBVNL.

Mr. Pardeep Singh Poonia, Advocate.

RAJIV NARAIN RAINA, J.(Oral)

1. This order will dispose of the above-mentioned case as well as other connected writ petitions* tabulated at the foot of the order, as common questions of law and fact are involved in them which can conveniently be decided by a common order. Broad facts are picked up from CWP No.12553 of 2013 for convenience.

2. This bunch of petitions involves appointments made to the post of Assistant Lineman/Shift Attendant. The dispute is with respect to the lack of educational qualifications advertised for filling up the posts

and it is the case of the respondent-Nigam that the petitioners do not possess the essential qualifications advertised for the posts and the appointments are illegal. They submit that the Nigam had taken a decision to outsource the recruitment to a private agency and that has led to this mess which was revealed in course of time when the selection was scrutinized. The petitioners undoubtedly do not possess the qualifications recognized by the Director Industrial Training and Vocational Education and despite the categorical stand taken by the Nigam in the written statement that the petitioners are not qualified to hold the posts as per the advertised qualifications for the job, the petitioners have not had the courage to file replication to refute the assertion that they do not possess the essential qualification. The essential qualifications advertised for the post of Shift Attendant/Assistant Lineman read as follows:-

For Shift Attendant:

1. Matric with 2 years ITI Course in Electrician/Electronic/Wireman Trade with knowledge of computer and should have a training from any institute for a period of at least 3 months covering following topics as part of course/training:
 - i) Computer fundamentals.
 - ii) Knowledge of Operating Systems.
 - Iii) Operation of Internet/E-mail.
 - iv) MS Word/Excel/Power Point.
2. Passed Hindi/Sanskrit upto Matric standard.

Assistant Lineman:

Matric with 2 years ITI Electrician/Wireman/ Electronics trade or having 2 years Vocational course under the trade of

lineman or Electrician (Maintenance and Repair of Electrical and Domestic Appliances) conducted by Director, Industrial Training & Vocational Education, Haryana or National Apprenticeship Act-1961 from any institute recognized by the State Government must have passed Hindi/Sanskrit upto Matric standard.”

3. The copy of the advertisement dated June 20, 2008 has been produced by the learned counsel for the Nigam to show that the copy annexed with the petition is not the correct version and the same has been tailored to gain undue benefit. However, the essential qualification as presented in the copy of the advertisement at Annex P-1 reads as follows:-

“Educational Qualification:

Asstt. Lineman

Candidate should have passed two years Diploma course in the Lineman trade from any institution recognized of Director, Industrial Training and Vocational Education or two years diploma in electrician/wireman trade alongwith Matric. The candidate should have passed Matric/Sanskrit upto Matric standard.

Shift Attendant:

Candidate should have been passed two years Diploma course in the Electrician/Electronics/Wiremen Trade along with Matriculation along with knowledge of computer. Candidate should have got minimum 3 months training by including the following heads:

1. Computer fundamental,

- 2. Knowledge of operating system,
- 3. Knowledge of internet/email,
- 4. MS-word, excel and power point,
- 5. Should have passed matric with Hindi/
Sanskrit. ”

4. Learned counsel for the respondent-Nigam submits that on the strength of this wrong translation have the petitioners managed to obtain status quo order regarding their services. They have played a trick. It will however not be necessary to go into the facts of the case since the matter is no longer *res integra*. The selection vis-a-vis the issue involved with respect to prescribed essential qualifications has been examined by the Coordinate Bench of this Court in CWP No.18693 of 2013 (**Ajit Kumar & anr. v. DHBVNL & ors.**), decided on January 18, 2016 and the contentions raised by the petitioners therein which are similar to the ones in the present petitions have been turned down.

5. Consequently, these petitions are found wholly without merit and are ordered to stand dismissed in terms of the orders passed in CWP No.18693 of 2013. I restrain myself from imposing exemplary costs.

(**RAJIV NARAIN RAINA**)
JUDGE

3.8.2016
monika

Sr. No.	Case No.	Parties Name
1	CWP-16025-2013 (O&M)	JITENDER KUMAR V/S D.H. B.V.N.L. & ORS.
2	CWP-15604-2013 (O&M)	SURESH KUMAR AND ORS V/S DAKSHIN HARYANA BIJLI VITRAN NIGAM AND ORS

Sr. No.	Case No.	Parties Name
3	CWP-15711-2013 (O&M)	LAL SINGH CHAUHAN AND OTHERS V/S D.H.B.V.N.L. AND ORS.
4	CWP-6675-2013 (O&M)	DHANESH AND ORS V/S D.H.B.V.N.L AND ORS
5	CWP-8485-2013 (O&M)	PARDEEP AND ORS V/S THE CHIEF ENGINEER/ ADMN. HARYANA AND ORS
6	CWP-11520-2013 (O&M)	ANIL KUMAR AND ORS V/S DHBVNL AND ORS
7	CWP-11798-2013 (O&M)	PARTAP SINGH AND OTHERS V/S DAKSHIN HARYANA BIJLI VITRAN NIGAM AND ORS.
8	CWP-11960-2013 (O&M)	BHIM SINGH AND OTHERS V/S DAKSHIN HARYANA BIJLI VITRAN NIGAM AND ORS.
9	CWP-15745-2013 (O&M)	RADHEY SHYAM V/S D.H.B.V.N.L. AND ORS.
10	CWP-15776-2013 (O&M)	RAKESH KUMAR AND OTHERS V/S D.H.B.V.N.L. AND ORS.
11	COCP-391-2015	LILA RAM AND ANR V/S SH. ARUN KUMAR VERMA AND ORS
12	COCP-1118-2015	RAKESH KUMAR AND ANR V/S SH. ARUN KUMAR VERMA AND ORS

(RAJIV NARAIN RAINA)
JUDGE

3.8.2016
monika

Whether speaking/reasonedYes / No

Whether Reportable:Yes / No