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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 1336 of 2012**

Dhananjay Kumar Das, aged about 33 years, S/o Shri Ramadhar Das, Caste Chamar (Schedule Caste) Occupation Service, Presently Working as Attendant, Grade-2 (Line), Chhattisgarh State Power Distribution Company Limited, Bilaspur, R/o Chandan Awas 278, Near Si Mandir, Block No.2, Rajkishore Nagar, Phase I, Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department of Energy, Mantralaya, DKS Bhawan, Raipur, Chhattisgarh.
2. Chhattisgarh State Power Holding Company Limited through Managing Director, Dangania, Raipur, Chhattisgarh.
3. Addition General Manager (Human Resource), Chhattisgarh State Power Holding Company Limited, Dangania, Raipur, Chhattisgarh.
4. Deputy General Manager, Chhattisgarh State Power Holding Company Limited, Dangania, Raipur, Chhattisgarh.

---- Respondents

For Petitioner	: Shri Mayank Kumar, Advocate.
For Respondent/State	: Shri B.Gopa Kumar, Deputy Advocate General.
For Respondents No.2 to 4	: Shri K.R. Nair, Advocate.

Hon'ble Shri P. Sam Koshy, Judge
Order on Board

16/04/2018

1. Challenge in this writ petition is for quashment of Annexure P/1 dated 7.9.2011. By the said impugned order dated 7.9.2011, the representation of the Petitioner pursuant to an order passed by this Court on 21.7.2011 in Writ Petition (S) No.3898 of 2011 was considered and rejected.

2. The brief facts of the case is that the Petitioner had applied for the post of Junior Engineer (IT) under the Respondent-Authority from the advertisement, that was issued on 8.4.2010. The Petitioner's contention is that he had applied to be a departmental candidate, however, the Respondent-Authority had considered the case of the Petitioner as a direct recruit. The contention of the Petitioner is that the Petitioner was already working with the Respondent-Authority as a Technical Assistant Grade-II and he had the qualifications which were otherwise eligible for a departmental candidate like the Petitioner has an ITI Certificate and was also working as a Technical Assistant Grade-II. In addition, he also had a diploma in his possession with which he could have been considered as a departmental candidate. However, the Respondent-Authority have ignored the qualification which the Petitioner has and have refused to consider him as a departmental candidate.

3. Perusal of the record would show that the minimum qualification required for being considered for the post of Junior Engineer (IT) is that the candidate should possess ITI Certificate with two years course from a recognized institution. In addition, have minimum seven years of service as a regular Technical Assistant. The Petitioner was appointed/regularized in service vide order dated 8.3.2006. The advertisement having been issued in the year 2010. This apparently shows that the Petitioner did not have the minimum length of service required as was required in the advertisement.

4. So far as the diploma which the Petitioner claims to be in his possession is concerned, a perusal of the diploma certificate shows that it was diploma course of 15 months provided by one of the private computer institution i.e. Excel Net Computer Education Centre, Delhi. It is apparently clear that the said diploma was not from a recognized institution whereas the advertisement clearly stipulated that the diploma should be from a recognized technical Board or Institution.

5. The Petitioner thus having failed in fulfilling both the minimum qualification, as an ITI Certificate holder or a diploma holder, his candidature was rightly rejected by the Respondent-Authority. This Court does not find any illegality or infirmity on the part of the Respondent-Authority in rejecting the claim of the Petitioner to be considered as a departmental candidate. The writ petition thus deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
JUDGE

Anu