

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP No.25501 of 2012 (O&M)

Sh. Ravi Kant

...Petitioner

Vs.

State of Haryana and others

...Respondents

2. CWP No.25384 of 2012 (O&M)

Sh. Gian Chand and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

Date of Decision: 14.02.2018

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

Present: Mr. Balwinder Singh, Advocate,
for Mr. Kshitij Sharma, Advocate,
for the petitioner in CWP No.25501 of 2012.

Mr. Sonu Giri, Advocate,
for Mr. Sandeep Sharma, Advocate,
for the petitioners in CWP No.25384 of 2012.

Ms. Shruti Jain Goyal, AAG, Haryana.

Mr. Pardeep S. Poonia, Advocate,
for respondents No.3 and 4.

RAJIV NARAIN RAINA, J. (Oral)

1. This order will dispose of CWP No.25501 of 2012 titled *Sh. Ravi Kant v. State of Haryana and others* & CWP No.25384 of 2012 titled *Sh. Gian Chand and others v. State of Haryana and others*.

2. Both these petitions must fail for the reason that in one of them

the petitioner has secured less marks than the last candidate selected in his category, i.e, in CWP No.25384 of 2012 (Gian Chand and others v. State of Haryana and others).

3. In the other, the petitioner does not possess the essential qualification for the post earned from an institute recognized by the State Government as per provisions of the statutory rules governing the service of Assistant Lineman.

4. The essential qualification is specified in advertisement No.01 of 2011 with the closing date April 18, 2011 where 1000 posts of Assistant Lineman in category No.1 in UHBVNL were advertised on March 19, 2011.

The EQ read as follows:-

“E.Q. i) Matric with 2 years ITI in Electrician/Wireman 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 certificate awarded under the Apprenticeship Act 1961 from any institute recognized by the State Government.

ii) Hindi/Sanskrit upto Matric Standard.”

5. The institute where the petitioner has obtained his qualification is on the list of bogus institutes published by the Director Industrial Training and Vocational Education, Haryana vide memo dated February 29, 2008. The list of institutes recognized by Haryana Government for employment in ITIs is dated August 18, 2012 (Annex R-2/2). The entries therein do not come to the rescue of the said petitioner.

6. If any one has obtained employment in ITI on the strength of

qualification earned from institutes not approved by the State Government that would not give a handle to the petitioners to be appointed. Article 14 of our Constitution does not work in the negative. Moreover, statement is made on behalf of the Nigam by their counsel that the services of private respondents No.5 and 6 have been terminated on discovery. This eliminates altogether a case of discrimination.

7. In case, any candidate has been appointed who is not qualified the respondent Nigam will take such steps as are consistent with the principles of natural justice before terminating their services for want of eligibility.

8. In view of the above, both the petitions are devoid of merit and are dismissed.

(RAJIV NARAIN RAINA)
JUDGE

14.02.2018
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Whether speaking/reasoned

Yes

Whether reportable

No