

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-25491-2017

Date of decision: 03.08.2018

Sanjeev Kumar

...Petitioner

V/s.

State of Haryana and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Ramesh Goyat, Advocate for the petitioner.

Mr. Hitesh Pandit, Addl. A.G., Haryana.

RITU BAHRI, J. (Oral).

The petitioner is seeking direction to consider him for the post of Water Pump Operator Grade II advertised by respondent No. 2 vide advertisement No. 7/2016 Cat No. 30 under BC 'B' category. As per the advertisement dated 30.12.2016 (Annexure P-1), the essential qualification prescribed is as under: -

"i) Matric with Hindi/Sanskrit;

ii) ITI Certificate in the trade of Motor/Tractor/Diesel Mechanic/Electric/Wireman"

The petitioner has placed on record certificates (Annexure P-5 collectively) to show that he is duly qualified after having passed intermediate examination in the subjects of Electrical Technology, Engineering Science, Electric Machines, Electrical Appliances apart from basic subjects while pursuing three years vocational course from Punjab State Board of Technical Education and Industrial Training.

Learned counsel for the petitioner has argued that as per the certificates (Annexure P-5) he was duly qualified. He further places

reliance on letter dated 15.05.2008 (Annexure P-7) whereby courses of

Vocational Educational Institutions (VEI) are equivalent to Industrial Training Institutions (ITI) courses and 'Electrician' course has also been specified in the list of courses. The petitioner having secured 120 marks in the written examination was called for scrutiny of documents and vide notice dated 12.10.2017 (Annexure P-6), candidates were called for interview but his roll number did not figure in the list of candidates. On 01.11.2017, notice of motion was issued and petitioner was directed to be provisionally interviewed. Today, the result of the petitioner has been brought in Court and he has got 120 marks in written test out of 200 marks and 15 marks in interview/viva voce out of 25 marks and 135 marks in total out of 225 marks and the last selected candidate in the BC 'B' category has got 114 marks.

The stand taken by the respondents in the written statement is that at the time of scrutiny of documents of the petitioner, he was not held to be eligible as he was not having the requisite qualification i.e. ITI certificate in the trade of Electric. No specific reply has been given with respect to letter dated 15.05.2008 (Annexure P-7). In para 10 of the reply, the respondents have avoided to comment on this letter. At the same time, they have placed on record a vernacular letter dated 15.05.2008 (Annexure R-2/4). A perusal of this letter shows that this letter does not relate to the course of Electrician. It relates to the course of Wireman, Stitching, Carpenter, Stenography Hindi, Stenography English and Computer. ***(However, there is a typographical error in column No. 2 at Sr. No. 2 that instead of mentioning Electrician, it has been mentioned as stitching).***

Hence, the stand taken by them is that only courses conducted by Vocational Educational Institutions (VEI) under these subjects have been

treated to be equal to ITI. The respondents have taken a clever device that on the one hand, they have not denied letter dated 15.05.2008 (Annexure P-7) but at the same time, they have placed on record a vernacular letter dated 15.05.2008 (Annexure R-2/4) in which the subjects of Wireman, Stitching, Carpenter, Stenography Hindi, Stenography English and Computer courses conducted by Vocational Educational Institutions have been given parity with the courses carried out by Industrial Training Institutes.

Hence keeping in view letter dated 15.05.2008 (Annexure P-7), certificates (Annexure P-5 collectively) issued in favour of the petitioner by Central Board of Secondary Education whereby petitioner has passed intermediate examination in the subjects of Electrical Technology, Engineering Science, Electric Machines, Electrical Appliances has to be considered equivalent to the course of ITI and hence for all intents and purposes, he has to be considered eligible for the post of Water Pump Operator Grade II as essential qualification. Moreover, in the present case the petitioner has got 3 years diploma in Civil Engineering from G G S Polytechnic College, Kharar, Mohali issued by Punjab State Board of Technical Education and Industrial Training (Annexure P-5) and this certificate is issued on 12.03.2014. Meaning thereby, the petitioner, after completing intermediate examination (12th) in the year 2011, has further completed Civil Engineering in the year 2014. The diploma in Civil Engineering is higher qualification and hence keeping in view the instructions dated 25.03.2016 issued by Chief Secretary to Government of Haryana, having higher qualification would also make him eligible for the post.

This petition deserves to be allowed as per letter dated 15.05.2008 (Annexure P-7) and having secured 135 marks in total out of 225 marks which is far higher than the last selected candidate in BC'B' category, who has got 114 marks. The respondents are directed to issue appointment letter in favour of the petitioner within a period of four weeks.

03.08.2018

Divyanshi

(RITU BAHRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No