Vimal Kumar
2018.02.17 15:07

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision: 15.02.2018

CWP No.3502 of 2018

Renuka ...Petitioner

Vs.

State of Haryana & others ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Tarun Dhingra, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

1. The petitioner holds the Diploma in Electronics and Communication, which is not one of the prescribed essential qualifications for Category No.5 posts, i.e., Grid Sub Station Operator notified for filling vide Advertisement No.3/2016 issued by the Haryana Staff Selection Commission, Haryana, on requisition for appointment to one of the Power Utilities.

2. The relevant extract of essential qualifications for the said post prescribed in the advertisement reads as follows:

> "**E.Q.** (i) 3 Years Diploma in Electrical/Electrical & Electronics Engineering from any institute recognized by AICTE or by a state board of Technical Education, with a minimum 55% marks in respect of General Category candidates and 50% marks in respect of SC category candidates of Haryana Domicile. The percentage marks required for other categories would be same as for General category candidates.
>
> (ii) Knowledge of Hindi/Sanskrit upto Matric Standard or higher education."

4. It is well settled that qualification prescribed in the advertisement cannot be departed from or otherwise it would lead to violation of rights of other similarly situated persons as the petitioner holding Diploma in Electronics and Communication, who may not have come forward to apply for the post.

5. The Office Order No.366/REG-119/Vol-I dated 07.07.2017 (Annex P-3) is regarding amendment to the advertised qualifications for a variety of Junior Engineers where allowance is made for the 3 Year Diploma in Electronics and Communication. This amendment does not deal with the post of Grid Sub Station Operator. It cannot be gainsaid that the Post has to be filled as per advertised qualifications and in no other manner, if the selection process is to continue, which it must.

6. The argument advanced that since the post of Junior Engineer is higher than the post of Grid Sub Station Operator, the amendment should automatically apply to the post of Grid Sub Station Operator, is irrelevant and is rejected. Different posts may require different technical qualifications depending on the job requirement. The post of GSSO may require specially trained people in the field of electrical and electronics engineering. This is for the experts in the four Power Utilities for whom the selection is in progress, to see, and not for the Court. It is settled by a series of decisions including Full Benches of this Court holding authoritatively that advertised qualifications cannot be departed from and the terms and conditions of any selection process together with the criterion adopted has to be scrupulously followed by adhering to the essential qualifications prescribed under the rules and reflected in the advertisement. Besides, the rules of the game cannot be changed when the game is being played. Whatever adjustment

was to be made has been devised for the various posts of Junior Engineers by a corrigendum which the petitioner can have no advantage.

7. For the reasons recorded above, I find no merit in this petition and would hereby dismiss it.

15.02.2018 **[RAJIV NARAIN RAINA]**
Vimal **JUDGE**

Whether speaking/reasoned: Yes
Whether Reportable: No