

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 07.03.2018****CWP No.5460 of 2018**

Kulwant

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Narender Pal Bhardwaj, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J.

1. The petitioner holds the Diploma in Electronics and Communication Engineering, 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.”

3. The Office Order No.366/REG-119/L dated 23.01.2017 (Annex P-10) 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 logically to its desired end, which it must.

4. By the office order dated 23.01.2017, the Haryana Vidyut Prasaran Nigam Limited makes the partial amendment in the Recruitment & Promotion Policy of non-gazetted Technical Staff under Regulation 5.5.1, 6.5.1, 7.5.1 & 8.5.1 for promotion of technical subordinate staff of Substation Wing, Transmission Line/Construction Organization, Maintenance & Protection Wing and Carrier Wing to the post of Junior Engineer under 15% quota notified vide office order No.145/REG-119/L dated 15.07.2008. The amended policy deals with JE/Substation (Regulation No.5.5.1); JE/Field (Regulation No.6.5.1); JE/Field (Regulation No.7.5.1); JE/Carrier (Regulation 8.5.1) for which posts five categories of Engineering disciplines have been notified of which (e) is a composite qualification, which reads as follows:

“(e) Electronics & Telecommunication Engineering
Electronics & Communication Engineering”

The others i.e. from (a) to (d) are ‘Electrical Engineering’; ‘Electrical & Electronic Engineering’; ‘Electrical & Instrumental Engineering’; and, ‘Electrical Engineering Electronics & TV Engineering’. This petition does not concern with any of the categories of JEs and is restricted to selection to the post of Grid Sub Station Operator. The amended

policy dated 23.01.2017 was not available when the posts of Grid Sub Station Operator were advertised in 2016 with closing date of submission of online applications on 04.04.2016 (by 11:59 PM). The interim order dated 18.09.2017, relied upon by the petitioner, in which the counsel for the appellants appears to have misdirected the argument with his contentions recorded that 'yet the essential qualification was not prescribed in terms of the amended policy which acknowledge Electronics and Communication Engineering as one of the recognized qualification to be considered for recruitment to the service of HVPNL', even though the advertisement prescribed 3 years Diploma in Electrical/Electrical & Electronics Engineering from any institute recognized by AICTE as the essential qualifications. It is well settled that qualifications 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 the Diploma in Electronics and Communication Engineering, who may not have come forward to apply for the post being nor eligible in terms of the advertisement.

5. If the petitioner is indirectly seeking equivalence of qualification, his request would have to be turned down as that is not for the Court, but for the experts to consider. Some candidates have failed before the coordinate Single Bench on the issue of equivalence of the advertised qualification in the same selection in CWP No.9034 of 2017 titled 'Rajender Sharma & others Vs. State of Haryana & others' decided on 08.05.2017 with copy of the order at pp.76 (Annex P-11).

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 lower post of Grid Sub Station Operator, is an irrelevant contention 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 draw no advantage.

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

07.03.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No