

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5009 of 2019

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Santosh Kumar, Son of Kameshwar Prasad Singh Resident of Village-
Sundarpur, P.O. Bahachauki, P.S. Dharhara, District-Munger

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Energy, Govt. of Bihar, Patna.
3. The Bihar State Power (Holding) Company Limited, through its Chairman, 1st Floor, Vidyut Bhawan, Bailey Road, Patna(Bihar).
4. The Chairman, Bihar State Power (Holding) Company Limited, 1st Floor, Vidyut Bhawan, Bailey Road, Patna.
5. The Managing Director, Bihar State Power (Holding) Company Limited, 1st Floor, Vidyut Bhawan, Bailey Road, Patna.
6. The General Manager (M.S./Administration), Bihar State Power (Holding) Company Limited, 1st Floor, Vidyut Bhawan, Bailey Road, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Singh
For the Respondent/s : Mr. Kinkar Kumar (SC19)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 03-04-2019

Heard Mr. Suresh Prasad Singh, learned counsel for
the petitioner and Ms. Soni Srivastava for the Bihar State
Power (Holding) Company Limited and its functionaries.

The petitioner has approached this Court being
dissatisfied on being disqualified for being appointed as Junior
Line Man in the respondent Company on the ground of his not
having requisite qualification of ITI certificate.



It has been submitted on behalf of the petitioner that he had furnished a National Apprenticeship Certificate which reflects that the petitioner had received apprenticeship from Advisor India Private Limited, Noida and after successfully passing the test conducted by the National Council for Vocational Training which was held in October 2013, the aforesaid national apprenticeship certificate was given under the signature of the Secretary of National Council for Vocational Training.

It has been submitted on behalf of the petitioner that advertisement clearly indicates the qualification required for consideration for the post of Line Man in the respondent-Electricity Holding Company. The requirement is:

"Must have ITI Certificate in Electrician Trade from any Institution recognized by National Council for Vocational Training, New Delhi (NCVT) / State Council for Vocational Training (SCVT)".

Learned counsel for the petitioner further submits that any certificate by an ITI in a particular trade is for two years and ITI which is, more often than not, run by the



government, is controlled by the NCVT. Since the petitioner had passed the test conducted by NCVT, he could not have been legally shut out from being considered for being appointed as Junior Line Man when the technical qualification asked for in the advertisement clarified that ITI certificate in Electrician trade from any institution which is recognized by NCVT or SCVT would be sufficient.

Learned counsel for the petitioner has further submitted that the entire selection process is unfair as candidates who had applied for the post of Junior Line Man and had only furnished ITI certificate for one year and of six months training have been kept wait-listed whereas the petitioner has been disqualified.

Ms. Soni Srivastava, learned advocate for the Power Holding Company Limited, has submitted that the selection process is over and all the posts which were advertised have been filled up.

This is no answer to the poser put by the petitioner who alleges that he has wrongly been disqualified. Had he not been disqualified, there was every possibility of his having been



selected for such post. A representation has also been filed by the petitioner before the Managing Director of the concerned Electricity Holding Company which has not yet been responded to.

Ms. Srivastava has further argued that the qualification set forth in the advertisement completely forecloses any argument of any degree being admissible which is not from an ITI. The word "must" in the qualification presupposes that only a degree from ITI is required and for the purposes for consideration of the candidature of any aspirant.

Considering the fact that the petitioner claims that he had the requisite qualification/equivalent qualification in accordance with the requirement put forth in the advertisement in question and that he has been disqualified on erroneous grounds, this Court deems it expedient that the matter ought to be brought to the notice of the Head of the Electricity Holding Company where representation has already been filed and it has not yet been adverted to.

In order to facilitate the disposal of the representation for the redressal of the grievances of the



petitioner, this Court directs the petitioner to make a fresh representation, stating all the facts which have been urged in the present petition, before the Chairman, Bihar State Power (Holding) Company Limited (Respondent No. 4) within a period of three weeks from today, who on receipt of the same and after verifying whether the petitioner had the equivalent qualification of an ITI recognized by the NCVT, shall pass a reasoned order in accordance with law within a further period of four weeks thereafter.

With the aforesaid observation / direction, this petition stands disposed off.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	04.04.2019
Transmission Date	

