

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP-18332-2021(O&M)

Date of decision:-15.9.2021

Jaiveer Kesria

...Petitioner

Versus

Lala Lajpat Rai University of Veterinary and Animal Sciences through its
Vice Chancellor, Hisar and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.S.K. Verma, Advocate
for the petitioner.

Mr.D.S. Rawat, Advocate
for the respondents.

H.S. MADAAN, J.

Case taken up through video conferencing.

1. Petitioner – Jaiveer Kesria, aged about 27 years, resident of House No.234, Suraj Mal Enclave, Hisar has brought the instant writ petition under Articles 226 and 227 of the Constitution of India against respondents i.e. Lala Lajpat Rai University of Veterinary and Animal Sciences through its Vice Chancellor, Hisar (respondent No.1) and its Registrar (respondent No.2), craving for issuance of a writ in the nature of certiorari quashing the action of respondents vide which respondent No.2 has not issued admit card/roll number to the petitioner enabling him to appear in the written examination for the post of Sub Divisional Engineer

(Electrical) fixed for 15.9.2021 for the reason of not having experience of Government Institution/Government undertaking institution/Board, Corporation etc. The petitioner further seeks quashing of condition of having work experience in Government/Semi Govt./Board/Corporation & Govt. undertaking Institution added by respondent No.2 only for the posts of Sub Divisional Engineer (Public Health & Electrical) being contrary to the provisions of Articles 14 and 16 of the Constitution of India. He prays that he be considered eligible for the post of Sub Divisional Engineer (Electrical) since he is having requisite experience of 3 years as a Junior Engineer (Electrical) from a Private Limited Company approved from the Ministry of Corporate Affairs.

2. The writ petition is being resisted by the respondents.
3. I have heard Sh.S.K. Verma, Advocate for the petitioner and Sh.D.S. Rawat, Advocate for the respondents.
4. After hearing the rival contentions and going through the record, I find that the writ petition is bound to fail.
5. The writ petition has been filed quite belatedly inasmuch as the advertisement was published on 3.1.2021 inviting applications from eligible candidates from 4.1.2021 to 23.1.2021. In the said advertisement essential qualifications for the post of Sub Divisional Engineer have been mentioned as follows:

- (i) Bachelor in Engineering/B.Tech (electrical) at least 50% marks from any recognized Institution/University.
- (ii) Three years experience as Junior Engineer (electrical) in Electrical works in Govt./Semi Govt./Board/Corporation & Govt. undertaking

Institution.

(iii)Hindi/Sanskrit as one of the subject up to Matric or Higher education.

6. Thereafter, respondent No.2 had issued public notice dated 2.9.2021 informing all the candidates, who had submitted applications that written examination for recruitment to the post will be held on 15.9.2021 (Wednesday) at 9:30 a.m. and roll numbers of eligible candidates will be sent by registered post and e-mail.

7. The petitioner was not sent roll number to enable him to appear in the examination statedly for the reason that he did not fulfil the eligibility criteria. Though there is nothing in writing to substantiate such assertion of the petitioner. Nevertheless according to him he went to the office of respondent No.2 on 9.9.2021 with a request to issue him roll number but was told orally that since he was not having experience of Junior Engineer (Electrical) from Govt./Semi Govt./Board/Corporation & Govt. undertaking Institution, as such he is not eligible for the post of Sub Divisional Engineer (Electrical). According to the petitioner such stand of the respondents was wrong since there was no such mention in the advertisement so inserted. The petitioner claims to have 3 years experience as a Junior Engineer (Electrical) from a Private Limited Company approved from the Ministry of Corporate Affairs, thus fulfils the requisite criteria, even then he has not been issued roll number to enable him to appear in the written examination. As such he has filed the instant writ petition.

8. Now the question arises as to whether the petitioner can find

fault with the eligibility criteria fixed by the respondents, the answer is in negative. Learned counsel for the respondents has referred to judgment “**Renuka Versus State of Haryana & others**” passed in CWP No.3502 of 2018 by a Single Bench of this Court wherein in para No.4, it was observed as under:

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.

The concluding para No.6 of such judgment for ready reference is being reproduced as under:

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.

9. If the petitioner had felt aggrieved by any of the requisite condition mentioned in the advertisement inserted, he should have approached the Court at the earliest challenging that advertisement but he kept quiet for a long time and approached the Court after more than 9 months of the publication of that advertisement. The reason given by him that he had come to know about condition of requisite experience only a few days before filing of the writ petition does not appear to be plausible and convincing.

10. Furthermore, the written examination, which was fixed for today is said to have already taken place. Therefore, the writ petition has become infructuous.

11. Even otherwise, a writ is to be issued in exceptional cases and not in routine. Here I do not find any reason to exercise such power.

12. The instant writ petition is dismissed accordingly.

15.09.2021
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No