

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 25854 of 2022

Chinmay Ranjan Sahoo

....

Petitioner

Mr. S.C. Dash, Advocate

-versus-

State of Odisha and others

....

Opposite Parties

Mr. N.K. Praharaj, AGA

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

16.11.2022

Order No.

03. 1. This matter is taken up through Hybrid Arrangement (Virtual/Physical Mode).
2. Heard learned counsel for the Petitioner as well as learned counsel for the State-Opposite Parties.
3. This writ petition has been filed by the Petitioner with a prayer to quash the impugned order under Annexure-7 and direct the Opposite Parties No.2 and 3 to consider his application and also allow him to sit in the examination for grant of Supervisor Certificate of Competency (General or Mining), 2022.
4. It is submitted by the learned counsel for the Petitioner that the Petitioner is holding degree of Bachelor of Technology in Electrical and Electronics Engineering in Ajay Binay Institute of Technology, Cuttack which is affiliated to the Biju Patnaik University of Technology, Odisha and

such a certificate issued in the year 2011. Thereafter, the Petitioner had joined in service on 2.4.2012 in the IMFA Group and presently posted as Senior Engineer (Electrical) at Sukinda & Mahagiri Mines (Chromite) of M/s. Indian Metals and Ferro Alloys Limited (IMFA) since 01.06.2017. It is further submitted that Supervisor Certificate of Competency (in short 'SCC') is for a person directly supervises electrical installation work. Such certificate of competency is granted by the Electrical Licensing Board of Odisha (in short 'ELBO'). The Board is constituted by the Government of Odisha under the Electrical Licensing Board Regulations, Odisha, 2014. Examination for grant of the SCC is conducted by the ELBO at least once a year. In the year 2022, the Petitioner, pursuant to advertisement issued by the ELBO on 25.3.2022 for SCC (MV, HT & Mining) Examination, 2022, has applied online to sit in the examination. It is further submitted that Clause-2 of the said advertisement stipulates that the candidates for examination of Supervisor Certificate of Competency (General or Mining) must comply with Regulation-13(vi) of ELBO regulation and must have passed Degree in Electrical Engineering or Diploma in Electrical Engineering having 02(two) years working experience or Electrician Trade from an ITI with 05 (five) years working experience. It is further stipulated in the said advertisement that in case a person working under industry, the certificate is to be counter signed by the employer in Form-2 and pursuant to the said advertisement, the Petitioner submitted his application as per Regulation-13(vi) with experience certificate issued by the employer on 10.04.2022 which has been received and duly acknowledged by the ELBO. However, the application of the

Petitioner was rejected vide ELBO letter No.3613 dated 2.9.2022 issued by the Engineer-in-Chief (Electrical)-cum-Principal Chief Electrical Inspector, Odisha (Opposite Party No.3), which was communicated to the Petitioner. The rejection order was passed basing on Clause-20 of ELBO Regulation, 2014 which says that to eligible for such examination, a candidate must possess either Degree in Electrical Engineering or Diploma in Electrical Engineering having two years working experience or Electrician Trade for an ITI with 5 years' experience. Hence, the ELBO rejected the application saying the Petitioner does not furnish the eligibility criteria as has been prescribed under Clause-20 of the ELBO Regulation. Challenging the said letter filed under Annexure-7, the present writ petition has been filed.

5. It is further submitted by the learned counsel for the Petitioner that so far as the Petitioner's qualification is concerned, Biju Patnaik University of Technology (BPUT) which is a Government University has issued the equivalent certificate. Referring to letter dated 16.06.2020 under Annexure-6, learned counsel for the Petitioner submits that the University has issued a clarification that B.Tech in Electrical Engineering and B.Tech in Electrical & Electronics Engineering are equivalent to each other for the students admitted from 2007 to 2017 in four years B.Tech course and for the students admitted from 2008 to 2018 in Lateral Entry B.Tech course of BPUT and, therefore, the University has finally binding the students of aforesaid batch having B.Tech degree in Electrical & Electronics Engineering are to be equivalent to the students having B.Tech in Electrical Engineering of BPUT for the above mentioned period. In view of such

clarification by the BPUT, learned counsel for the Petitioner submits that the Petitioner fulfills the eligibility criteria as prescribed in Clause-20 of the ELBO Regulation, 2014. Therefore, rejection of the application of the Petitioner is illegal and arbitrary.

6. Learned Additional Government Advocate appearing for the State- Opposite Parties submits that the degree which the Petitioner possessed is not equivalent to the Regulation-20 of the ELBO Regulation, 2014. He further submits that it is only the AICTE, who is a competent body, can declare equivalent of any course. He further submits that the instruction of the AICTE as well as BPUT (State University) is contradict to each other. Therefore, the AICTE has not accepted the clarification issued by the BPUT. Hence, the application of the Petitioner has been rejected.

7. The contention raised by the learned counsel for the State relying upon the instruction received from the competent authority is not prima facie acceptable. No doubt, the AICTE is the conducting body which can prescribe the syllabus/courses for students for technical education in the country. However, the State runs the University, which is constituted under the UGC Act having constituted under the State legislation, is competent to declare equivalent by virtue of their first statute as well as regulation. The same is indisputable factual as well as legal position.

8. In such view of the matter, the declaration of the equivalent by the BPUT, which is the University that scribes courses for the colleges affiliated with in a better position to decide the equivalent and declare the same. Therefore, the clarification issued by the BPUT under Annexure-6 is genuine

and authentic one and it is well within the authority and the same should not have questioned by the ELBO.

9. Having heard the learned counsel for the respective parties and keeping the aforesaid analysis, this Court disposes the writ petition by directing the Opposite Party No.2 to consider the case of the Petitioner by treating the certificate submitted by him is equivalent to their requirement under Clause-20 of the ELBO Regulation, 2014, particularly the letter issued by the BPUT under Annexure-6 and, accordingly, allowed the Petitioner to take the examination.

10. In view of the aforesaid direction, the rejection of the Petitioner candidature under Annexure-7 is hereby set aside. Further, the Opposite Party No.2 is directed to treat the Petitioner as a valid candidate for the examination under Advertisement dated 25.03.2022 under Annexure-3 and allow him to take examination along with other eligible candidates.

11. With the aforesaid observation and direction, this writ petition stands disposed of.

(A.K. Mohapatra)
Judge

Debasis