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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22426-2022

Date of Decision: 28.09.2022

RAVI KANT AND OTHERS

..... Petitioners

Versus

STATE OF PUNJAB AND OTHERS

..... Respondents

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr. Pardeep Virk, Advocate
for the petitioners.

Mr. Aman Pal, Advocate
for respondent No.2.

G.S.SANDHAWALIA, J. (Oral)

The challenge in the present writ petition is for quashing of Regulation 9 of the Punjab State Power Corporation Limited Technical Services Class (III) Regulations, 1996 as amended by circular No.04/2018 dated 29.08.2018 (Annexure P-1) issued by respondent No.2-The Punjab State Power Corporation Limited to the extent of the requirement of possession of National Apprenticeship Certificate (NAC). The subject matter of dispute is the advertisement No.CRA/299/2022 dated 15.07.2022 (Annexure P-2) issued by the Corporation wherein the requisite eligibility qualification for the selection/appointment of 1690 posts of Assistant Lineman (ALM) has been fixed.

The argument raised by learned counsel for the petitioners is that Sister Corporation i.e. the Punjab State Transmission Corporation-respondent No.3 vide an advertisement CRA No.11/2021 (Annexure P-5) had also advertised for the post of Assistant Lineman (ALM) and the requirement of the National Apprenticeship Certificate (NAC) was not a condition precedent. In such circumstances, challenge as such is being that the petitioners are stopped from applying on account of not having the requisite certificate.

A perusal of the paper-book would gone to show that against the said advertisement, online registration fee was to be deposited, which was issued for filling up 1690 posts of Assistant Lineman (ALM) in different categories. For the advertisement dated 15.07.2022, the last date has now been extended till 20.09.2022 as per public notice dated 26.08.2022 (Annexure P-3). The essential qualifications as per the advertisement read as under:-

Name of post	No. of posts	Basic and professional qualification
Assistant Lineman (ALM)	1690	i) Matriculation or equivalent and National Apprenticeship Certificate (NAC) in Lineman Trade. ii) The candidates who possess higher education i.e. Degree/Diploma in Electrical Engineering will be considered only if they have minimum qualifications i.e., National Apprenticeship Certificate in Lineman Trade. Note: Candidate(s) should have National Apprenticeship certificate in lineman trade as on commencement of first day of first document checking schedule.

The said requirement is in view of the amendment made in

the regulations. Apparently aggrieved by the said requirement, petitioners who are not having the NAC had filed various representations. A perusal of the advertisement No.11 of 2021 issued by the Sister Corporation for the post of Assistant Lineman (ALM) would also go to show that it has provided for the eligibility qualification of Punjabi pass of matriculation or its equivalent level and full time regular ITI in Electrician/Wireman Trade from a recognized Institution.

It is, thus, apparent that both the Corporations which are separate legal entities have provided for the essential qualifications differently as per their requirement. Merely because the Transmission Corporation has not provided for the National Apprenticeship Certificate in the Lineman's trade as such would not make it an arbitrary action. It is settled principle of law that it is for the employer as such to lay down the qualifications for appointment and not for the Court to question the same as it is for the employer as such, as the employer would best suited to see what kind of qualifications are required to ensure where the work is carried out without any impediment. It is for them to appropriate and limit the pool from which it recruits as having the requisite skill.

Reliance can be placed upon the judgment of the Apex Court in **Maharashtra Public Service Commission through its Secretary Versus Sandeep Shriram Warade and others** (2019) 3 SCT 18, wherein it was held as under:-

“ The essential qualifications for appointment to a post are for the employer to decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. It is the employer who is best suited to decide

the requirements a candidate must possess according to the needs of the employer and the nature of work. The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being at par with the essential eligibility by an interpretive re-writing of the advertisement. Questions of equivalence will also fall outside the domain of judicial review. If the language of the advertisement and the rules are clear, the Court cannot sit in judgment over the same. If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to proceed in accordance with law. In no case can the Court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same.”

It is not in dispute that the National Apprenticeship Certificate in the Lineman's trade is a certificate of six months' duration. The amendment as such was carried out in the year 2018 and a period of four years has elapsed before the advertisement was issued and sufficient time was available to the aspirants as such to have got such certificates from the recognized Government institution and then there is no vested right as such with the petitioners.

We are of the considered opinion that the challenge as such is based on the fact that the Sister Corporation has not made the necessary amendment is without any basis as they are two separate legal

entities and the role as such is also different as one is created for the Transmission process whereas the other is a Power Corporation.

It is, thus, not for this Court to substitute his opinion and foist upon the unwilling employer, the qualifications for a large scale recruitment of a specialized job. Resultantly, we are of the considered opinion that no case is made out to accept the prayer made in the writ petition and therefore, we dismiss the same.

(G.S.SANDHAWALIA)
JUDGE

(JAGMOHAN BANSAL)
JUDGE

28.09.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>