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2023:PHHC:048322

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

CWP-17590-2016

Date of Decision: 16.03.2023

ROSHAN LAL

.... Petitioner

Versus

HARYANA VIDYUT PRASARAN NIGAM & ORS. Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. S.K. Malik, Advocate,
for the petitioner.

Mr. Pankaj Kundra, Advocate, for
Mr. Deepak Sabherwal, Advocate, for the respondents.

JAISHREE THAKUR.J

1. The petitioner herein seeks to challenge the action of the respondents whereby he has been denied appointment to the post of Junior Engineer (Electrical) in HVPNL and UHBVNL on the ground that the Diploma Certificate issued by the Indian Air Force, was invalid.

2. In brief, the facts of the case are that respondents No.1 to 3 advertised 192 posts of Junior Engineer (Electrical) for HVPNL and UHBVNL vide advertisement dated 11.07.2015 (Annexure P-1). The petitioner, being fully eligible, applied for the said post under the Ex-serviceman General quota and was issued an admit card bearing Roll No. 111214, dated 26.07.2016. Written examination was held at Mohali which the petitioner qualified and thereafter he was called for an interview on 11.08.2016. The candidature of the petitioner was rejected saying that the

certificate as possessed by him is not of a regular course and, therefore, he could not be considered eligible for appointment. However, he was asked to submit the document of diploma in regular subject training. Accordingly, the petitioner had submitted document dated 16.08.2016 (Annexure P-4) on 22.08.2016 clarifying that the Indian Air Force Trade Electrical Fitter has been recognized as “Diploma in Electrical Engineering” for recruitment to subordinate posts and services under the Central and State Government. The petitioner in fact had been enrolled in the Indian Air Force on 16.07.1990 as Airman under trainee for electrical trade. He was discharged from service after completing 20 years of service with qualification equivalent to degree in Electrical Engineering.

3. Counsel for the petitioner would contend that the Indian Air Force Trade Electrical Fitter has been recognized as “*Diploma in Electrical Engineering*” for recruitment to subordinate posts and service under the Central Government vide instructions issued by the Government of India, Ministry of Education and Social Welfare (Department of Education) No.F-18-52/75/T-2/T-7, dated 22.07.1977. The petitioner, having diploma in Electrical Engineering with more than 10 years of experience in the appropriate field, would be considered as eligible for the post where the qualification required is diploma or degree in Electrical Engineering, as recommended by the Government of India, Ministry of Education and Social Welfare vide letter No.18-19/75/T-2, dated 26.05.1977. Therefore, the candidature of the petitioner who holds diploma certificate as issued by the Indian Air Force, cannot be considered as invalid.

4. *Per contra*, learned counsel appearing on behalf of the respondents would contend that the petitioner does not have the necessary qualification to be appointed for the post of Junior Engineer (Electrical). The essential qualification as mentioned in the advertisement is that *the candidates with only full time degree or diploma are eligible to apply. In case of equivalent qualification, the equivalency shall be checked at the time of interview.* On scrutiny of documents, since the certificate as produced by the petitioner which was issued by the Indian Air Force did not meet essential requirement as specified in the advertisement, he was given an opportunity to produce evidence that he had obtained the diploma after pursuing a “full time” course, which he failed to do. Moreover, the notification, as relied upon by counsel for the petitioner, has been found to be fictitious.

5. I have heard learned counsel for the petitioner as well as learned State counsel and have perused the pleadings of the case.

6. Admittedly, the petitioner herein applied for the post of Junior Engineer (Electrical) pursuant to an advertisement as issued by the respondents to fill up posts in HVPNL and UBNVNL. The essential qualifications, as stipulated in the advertisement, read as under:-

“Full-time 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 60% marks in respect of General Category candidates and 55% marks in respect of SC category candidates of Haryana domicile.

Full-time Bachelor degree in Electrical/Electrical & Electronics Engineering or equivalent degree from a University duly recognized by Central Government or a State Government with a minimum 60% marks in respect of General category candidates and 55% marks in respect of SC category candidates of Haryana domicile.

a) Must have passed Hindi/Sanskrit upto Matric standard.”

7. It is claimed that the petitioner has diploma in Electrical Engineering as issued by the Indian Air Force. He had obtained 64.3% marks for the trade as Electrical Fitter. The certificate clearly mentions the Diploma in Engineering in appropriate discipline plus total 10 years of technical experience in the appropriate field is recognized as equivalent to Degree in Engineering vide Government of India, Ministry of Education and Social Welfare (Department of Education) OM No.F-18-19/75/T-2, dated May 26, 1977. It is considered valid for the purpose of selection to gazetted posts and services under the Central Government or State Government. Counsel has also relied upon Annexure P-4 which is a letter issued on 16.08.2016 that the certificate issued is equivalent to that of a diploma in Engineering and based on the certificate, the appointment could not have been denied. He has also relied upon judgments in ***Devinder Singh Malik Versus Haryana Power Generation Corporation Limited, Panchkula and others, CWP No.17974 of 2006, decided on 10.01.2008*** and ***Narendra Singh Yadav Versus State of Haryana, CWP No.5203 of 2010, decided on 23.01.2012***. Counsel for the respondents has urged that the very notification on the basis of equivalence is sought, has been found to be fictitious and, therefore, no appointment can be offered.

8. The issue about the genuineness of notification dated 26.05.1977 had already come up for consideration before the Division Bench in ***LPA No.26 of 2018, Ram Kumar and others Versus HVPNL and others, decided on 17.01.2023***, wherein it has been held that said notification has not been issued by the Union of India and any relief on the said basis cannot be allowed. Therefore, once the said notification itself is doubtful, no benefit can be drawn from it. The case law as relied upon by the counsel for the petitioner would not be of any use, since the validity of the notification had not been gone into.

9. In view of above, it is held that the petitioner herein does not have the necessary qualification for being appointed as Junior Engineer (Electrical) as per the advertisement. Consequently, the writ petition stands dismissed.

(JAISHREE THAKUR)
JUDGE

16.03.2023

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No