

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

**LPA No.727 of 2022 (O&M)
Date of Decision: 15.02.2023**

Rajvir Singh and others

.....Appellants

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR.JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Gopal Singh Nahel, Advocate for the appellants.

ARUN PALLI, J.

This is an *intra Court* appeal, under Clause X of the Letters Patent, against an order and judgment dated 19.07.2022, rendered by the learned Single Judge, vide which the writ petition preferred by the appellants has since been dismissed.

Learned counsel for the appellants has virtually reiterated the submissions that were advanced before the learned Single Judge, that pursuant to an advertisement No.1/2021, dated 21.02.2021, 253 posts of Tubewell Operator were advertised by the Punjab Water Resources Management and Development Corporation. For, a candidate to be eligible he was required to possess: Matric with Punjabi + 2 year ITI certificate in Electrician trade from Govt./recognized ITI. Whereas, the appellants were holder of Trade Certificate in Pump Operator-cum-Mechanic (1 year) Course. Thus, they challenged the advertisement, for, the eligibility qualification prescribed by the authorities were contrary to the nature of the post of Tubewell Operator, which was/is mechanical in

nature. Further, in reference to the order dated 22.09.2011, passed by a Single Bench of this Court in CWP No.6356 of 2011 (P3), he submits that even earlier the respondents had amended an advertisement that required ITI Certificate in Electrical Trade to add the qualifications possessed by the petitioners therein. An order dated 28.09.2012, passed in LPA No.2297 of 2011, was also referred to, to stress that even during the previous recruitment, respondents had accepted diploma in Pump Operator-cum-Mechanic, and, therefore, the condition that a candidate must possess two years ITI Certificate in Electrician Trade is wholly erroneous and unsustainable. Further, even the letter dated 09.03.2020 (P4), issued by the Executive Engineer, Punjab Water Supply and Sewerage Board, Sangrur, showed that candidates with Pump Operator and Mechanic Diploma were eligible to operate the water work. But, the learned Single Judge apparently failed to examine/analyze the claim of the appellants, in the right perspective.

We have heard learned counsel for the appellants and perused the records.

Concededly, the posts that were advertised and sought to be filled were of a Tubewell Operator. As indicated earlier, for, a candidate to compete for selection he/she was required to possess two years ITI Certificate in Electrician trade from Govt./recognized ITI. It is not in dispute that appellants did not possess the prescribed qualification, for, they possess a trade certificate in Pump Operator-cum-Mechanical (1 year) course. The order dated 22.09.2011 (ibid) upon which reliance is sought to be placed would not advance the cause of the appellants either.

For, in those proceedings the posts in question were of Pump Operators and not Tubewell Operators. Similarly, the reliance placed upon an order dated 28.09.2012 (ibid), to contend that even previously, while making recruitment, the respondents had accepted the Diploma in Pump Operator-cum-Mechanic is equally mis-conceived as even in the said case the subject post was of a Pump Operator. Further, the letter dated 09.03.2020 (ibid) would also not advance the claim of the appellants, for all what it shows is that Superintending Engineer of the Board was requested to conduct a Course of Pump Operator-cum-Mechanical Trade at Principal Govt. Udyog Sikhla Organization, Sunam (Uddam Singh Wala). And, subject of the said letter read as thus: **“Subject: For making Pump Operator – cum – Mechanic as a technical qualification for the post of Pump Operator.”** Therefore, it has no concern with the claim of the appellants.

We consider it expedient to even refer to the specific stand, set out by the respondents, in the return, regarding: minimum qualification prescribed for the post of Tubewell Operator in Punjab Water Resources Management & Development Corporation Employees Service Bye-Laws, as amended from time to time, is Matric with Punjabi + 2 year ITI certificate in Electrician trade from Govt./recognized ITI. The respondents, in countenance of the qualification prescribed in the Bye-Laws and the advertisement, have also given a comparative chart of the competency based curriculum for the Electrical Trade ITI vis-a-vis Pump Operator-cum-Mechanic Trade reads thus:-

Electrical Trade I.T.I.	Pump Operator-cum-Mechanic Trade
<i>During the two years duration of Electrician Trade</i> a candidate is trained on professional skills & knowledge, Engineering Drawing, Workshop Calculation & Science and Employability skill related to job role. In addition to this a candidate is entrusted to undertake project work and extracurricular activities to build up confidence. The Broad components covered during the course are given below: <u>FIRST YEAR:</u> In this year the trainee learns about safety and environment, use of fire extinguishers, artificial respiratory resuscitation to begin with. He gets the idea of trade tools & its standardization, identifies different types of conductors, cables & their skinning & joint making. Basic electrical laws like Kirchhoff's law, ohm's law, laws of resistances and their application in different combinations of electrical circuit are practiced along with laws of magnetism.	<i>During one-year duration of "Pump Operator cum Mechanic" Trade</i>, a candidate is trained on professional skills & knowledge, Engineering Drawing, Workshop Calculation & Science and Employability Skill related to job role. In addition to this, a candidate is entrusted to undertake project work, extracurricular activities and on-the-job training to build up confidence. The broad components covered under Professional skill subject are as below:- The trainee learns to apply safe working practices in a work shop; make choices to carry out marking out the components for basic fitting operations in the work shop; use different types of tools and work shop equipment in workshop; perform precision measurements on the components and compare parameters with specifications used in work shop practices. He/she is able to use different type of fastening and locking devices in a in Diesel

The trainee practices on circuit for single phase and poly-phase circuits for 3 wire/4 wire balanced & unbalanced loads. Skilling practice on different types & Combination of cells for operation and maintenance is being done. Wiring practice with installation of different accessories like ICDP switch, distribution fuse box and mounting energy meters are practiced as per IE rules for hostel/residential building, workshop and its fault detection are done by trainee. The trainee will practice for pipe & plate earthing. Different types of light fitting are to be done like HP/LP mercury vapour and sodium vapour are prominent. The trainee will practice on different types of measuring instruments like multimeter, wattmeter, energy meter, phase sequences meter, frequency meter, for measurement of electrical parameters in single & three phase circuits. He will gain skill on range extension, calibration and testing of meters. Practice for dismantling, assembling and	Engine; cutting tools in the work shop following safety precautions while grinding; perform basic fitting operations used in the work shop practices and inspection of dimensions; produce sheet metal components using various sheet metal operations; perform basic electrical testing in a Diesel Engine; perform battery testing and charging operations; construct basic electronic circuits and testing; manufacture components with different types of welding processes in the given job and inspect component using Nondestructive testing methods. During the later phase the trainee is familiarized with the identification of hydraulic and pneumatic components in a Diesel Engine Pump. He/she is able to identify and check functionality of stationary Diesel Engine – components, & engine performance on load and engine speed; diagnose and troubleshoot Diesel Engines for mechanical & electrical causes; servicing of plain/journal bearings, anti-friction bearings; identify and
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testing of heating element equipment, induction heating equipment, grinding machines and washing machines will be done by trainee. Skill will be gained on transformer for operation, efficiency, series parallel operation, replacement of transformer oil and combination of single-phase transformers for 3 phase operation. The trainee will practice on winding of small transformer. <u>SECOND YEAR:</u> In this year the trainee will study the details of electrical rotating machines viz. DC machines, induction motors, alternators & MG sets and practice on them. The trainee will practice on determining characteristics, their performance analysis, starting, speed control and reversing direction of rotation of machines. He will practice on parallel operation & synchronization of alternators, winding practice and over hauling will be practiced for DC machine and induction motors. Practices on diodes for bridge rectifier, switching devices & amplifiers by electronic	check functionality of major components and assemblies of reciprocating pumps, rotary pumps. They are trained to ascertain and select measuring instrument and measure dimension of components and evaluate for accuracy; use different types of conventional and special tools, hardware, fasteners and work shop equipment in the workshop; trouble shooting of pumps; identify and check functionality of major components and assemblies of centrifugal pumps; identify and check functionality of major components and assemblies of submersible pumps; carryout repairs in the fuel feed system; apply safe working practices and environment regulation in an workshop; construct electrical circuits and test its parameters by using electrical measuring instruments etc.
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components, different wave shape generation and testing by CRO. Designing control cabinet, assembling control elements and their wiring are to be practiced. Speed control of AC/DC motors by electronic controller will be practiced. The trainee will practice on testing, analyzing and repairing of voltage stabilizer, emergency light, battery charger, UPS and inverter. He will gain knowledge of thermal, hydel, solar & wind energy systems. The trainee will practice on distribution system, domestic service line and accessories & their protection by practicing on relay and circuit breaker for operation and maintenance.	
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Ex facie, the Electrical Trade ITI is a two years Course whereas Pump Operator-cum-Mechanic Trade is one year course and even the study material as also the practical knowledge of both the courses was different. Needless to assert that prescription of a requisite qualification for appointment to a particular post is the domain of the employer/recruitment agency, and thus, cannot be interfered with unless the prescribed qualifications are apparently arbitrary and irrational. Further, as observed by the learned Single Judge selection in terms of the advertisement dated 21.02.2021, have since been carried out.

In the wake of the position, as sketched out above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned Single Judge. The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

15.02.2023
Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No