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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-11031-2022(O&M)
Date of decision: 24.07.2024

Deepak

...Petitioner

VERSUS

Haryana Staff Selection Commission

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Vijay Deep Rathee, Advocate, for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing/setting aside the final result-cum-waiting list dated 14.05.2022 (Annexure P-14) qua BCB Category for the post of Assistant Lineman.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner in pursuance of the advertisement (Annexure P-1) had applied for the post of Assistant Lineman in Category No.21 and he has been rendered ineligible for the aforesaid post in view of the essential qualifications which have been so provided in the advertisement. He submitted that although his certificate of educational qualification which is annexed as Annexure P-4 is from a private institute but the same has been



registered under NCT and Ministry of Labour, Government of India which is clear from the certificate (Annexure P-4) itself and since the aforesaid institute was registered under the Ministry of Labour, Government of India, then the petitioner could not have been non-suited because of the reason that he has not obtained the aforesaid certificate from the institute which has been so specified in the aforesaid essential qualifications in the advertisement.

3. On the other hand, Mr. Kapil Bansal, learned DAG, Haryana appearing on behalf of the respondent-Commission submitted that the aforesaid essential qualifications were mandatory in nature and only those persons could have been selected who fulfill the essential qualifications which have been so stipulated in the advertisement and since the petitioner had done his two years course from a private institute vide Annexure P-4, he does not fit in the aforesaid education qualifications and therefore, he was rightly not appointed to the aforesaid post being rendered as ineligible.

4. I have heard the learned counsel for the parties.

5. The advertisement is provided for essential qualification for the post of Assistant Lineman which is reproduced as under:-

“Essential Qualification:-

Matric with 2 years ITI in Electrician/wireman trade or having 2 years Vocational course under the trade of Lineman or Electrician (Maintenance and Repair of Electrical & Domestic Appliances) conducted by Director, Industrial Training & Vocational Education, Haryana or National Apprenticeship Certificate awarded under the Apprenticeship Act-1961 from any institute with a minimum 60% marks in respect of General category & other category candidates and 55% marks of SC category candidates of Haryana domicile recognized by the State Government.”



6. A bare perusal of the aforesaid would show that the candidate for the purpose of applying to the aforesaid post has to be a Matric with 2 years ITI in Electrician/wireman trade or having 2 years Vocational course under the trade of Lineman or Electrician (Maintenance and Repair of Electrical & Domestic Appliances) conducted by Director, Industrial Training & Vocational Education, Haryana or National Apprenticeship Certificate awarded under the Apprenticeship Act, 1961 from any institute with a minimum 60% marks in respect of General category & other category candidates and 55% marks of SC category candidates of Haryana domicile recognized by the State Government.

7. The petitioner has done his two years ITI course in Electrician /Wireman. A perusal of Annexure P-4 would show that the same has been done from a private institute and that was the reason as to why his candidature has been rejected being ineligible for the same. Admittedly, the petitioner has not done his aforesaid ITI course from the institutes which have been so stated in the advertisement. The aforesaid advertisement is not under challenge in the present petition.

8. The only argument which has been raised by the learned counsel for the petitioner is that since the aforesaid institute was registered under the NCT and Ministry of Labour, Government of India, the petitioner could not have been non-suited because of the aforesaid reason. During the course of arguments, he also submitted that the order of the Government of India (Allocation of Business) Rules, the subject of technical training of craftsmen and other allied subjects have been stated to be in the concurrent subjects which includes for schemes for training of instructors, craftsmen, technicians and foreman at supervisory level. The learned counsel for the petitioner has



supplied the aforesaid document in the Court which is hereby taken on record as Mark-X. The relevant portion of the same is reproduced as under:-

“THE FIRST SCHEDULE
(Rule 2)
MINISTRIES, DEPARTMENTS, SECRETARIATS AND
OFFICES (MANTRALAYA, VIBHAG, SACHIVALAYA TATHA
KARYALAYA)

xxxx-xxxx-xxxx
20. Ministry of labour and Employment (Shram aur Rozgar
Mantralaya).

xxxx-xxxx-xxxx
MINISTRY OF LABOUR AND EMPLOYMENT
(SHRAM AUR ROZGAR MANTRALAYA)

xxxx-xxxx-xxxx
PART II. CONCURRENT SUBJECTS

xxxx-xxxx-xxxx
10. Vocational and technical training of craftsmen.

xxxx-xxxx-xxxx
PART V. MISCELLANEOUS BUSINESS

xxxx-xxxx-xxxx
15. Schemes for training of instructors, craftsmen, technicians,
and foreman at supervisory level, both in India and abroad,
apprentice training.

xxxx-xxxx-xxxx
30. Recruitment, posting, transfer and training of Central
Government Labour Officers.

xxxx-xxxx-xxxx

9. The argument of the learned counsel for the petitioner is that the aforesaid technical education is so provided in the concurrent subject and also in the miscellaneous business in part II, the petitioner could not have been rendered ineligible because of the aforesaid reason.



10. After hearing the learned counsel for the parties, this Court is of the considered view that the aforesaid argument is not available to the petitioner because the aforesaid document is only the Government of India (Allocation of Business) Rules and would not mean that the petitioner can be permitted to apply for a post in violation to the provision which has been so specifically incorporated in the advertisement. The petitioner has not challenged the aforesaid condition to be in violation/contrary to the aforesaid order which he has produced today. Therefore, the petitioner was bound by the aforesaid condition which was a part of the advertisement and therefore, the petitioner was rightly rendered ineligible.

11. Consequently, the present petition is dismissed.

(JASGURPREET SINGH PURI)
JUDGE

24.07.2024
rakesh

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