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

**CWP-19484-2020
Date of Decision: 15.10.2024**

Manoj Kumar

..... Petitioner

Versus

Haryana Staff Selection Commission and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sunil Kumar Bhardwaj, Advocate for the petitioner.

Mr. Kapil Bansal, DAG, Haryana.

Mr. Pankaj Middha, Advocate for respondent No.2.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the contents of Proforma dated 15/11/2019, (Annexure P-4) wherein "not eligible" is written by the scrutiny committee of the respondent-Commission by ignoring the certificate (Annexure P-6) whereby the petitioner is held eligible for employment of all States and Central Government Departments on the basis of Diploma/Certificate (Annexure P-5) acquired by the petitioner during service of Indian Army as well as by ignoring the fact that candidates having the similar diploma have already been held eligible and selected for the same post i.e. Junior Engineer and to quash the impugned action of the respondent-Commission in not providing the marks obtained by the petitioner during selection process, whereas the marks obtained by every candidate are to be put on the website of the



respondent-Commission in compliance of various judgments passed by this Hon'ble Court with further prayer for issuance of a writ in the nature of *mandamus* directing the respondents to consider the petitioner as eligible and appointment be offered to the petitioner against the merit position acquired by him, after considering the diploma (Annexure P-5) as equivalent qualification as acquired during service of Indian Army, after setting aside the contents of proforma dated 15/11/2019 pertaining to scrutiny of documents as “not eligible”.

2. Learned counsel for the petitioner submitted that the petitioner had applied for the post of Junior Engineer (Electrical) under Cat. No.17 in pursuance of the advertisement dated 15.06.2019 (Annexure P-1). He further submitted that for the aforesaid post the essential qualification was full-time 3 years Diploma in Electrical Engineering/Electrical and 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/Other Category candidates and 55% marks in respect of SC Category candidates of Haryana domicile or Full-time Bachelor degree in Electrical Engineering/Electrical and Electronics Engineering from a university duly recognized by Central Government or a State Government with a minimum 60% marks in respect of General Category/Other Category candidates and 55% marks in respect of SC Category candidates of Haryana domicile and Matric with Hindi or Sanskrit as one of the subject or higher. He further submitted that the petitioner was treated to be an ineligible candidate on the basis of his education qualification when the petitioner had already done the diploma course which has been attached with the present petition as Annexure P-5



wherein he did his diploma from '1 Signal Training Centre, Jabalpur' under the heading of Diploma in Electronics & Telecommunication Engineering (Radio & System), which also provides that the same is awarded under the All India Council of Technical Education (AICTE) Authority. He also referred to Annexure P-6 and submitted that it has been so decided by the Indian Armed Forces (Army) with regard to the fact that the aforesaid diploma is to be treated at par for employment purposes by all the States and Central Government Departments and so far as the present diploma done by him is concerned, he had also studied various courses pertaining to the subject of Electricity, regarding which, he has also attached the marks-sheet. He further submitted that the diploma which the petitioner has done should be considered as equivalent to the qualification which is so provided in the aforesaid advertisement for the post of Junior Engineer (Electrical) under Cat. No.17 and therefore, necessary directions may be issued to the respondent to consider the case of the petitioner against the aforesaid post.

3. On the other hand, Mr. Kapil Bansal, learned DAG, Haryana appearing on behalf of the respondent-Haryana Staff Selection Commission submitted that the petitioner has been rendered ineligible in view of the fact that he did not fulfill the basic essential qualification so provided for the aforesaid post of Junior Engineer (Electrical) under Cat. No.17. He further submitted that the Junior Engineer (Electrical) under Cat. No.17 is a fairly senior responsible post of the respondent-Nigam and the respondent-Nigam is an Electricity Department and for the purpose of the aforesaid appointment to the post of Junior Engineer (Electrical) under Cat. No.17, proper qualification in the subject of Electricity is required and that is the



reason as to why the essential qualifications which is so provided i.e. a candidate has to fulfill a 3 years diploma in Electrical Engineering/Electrical and Electronics Engineering but in the present case, the petitioner has not done his diploma in Electrical Engineering/Electrical and Electronics Engineering and he has done his diploma only in Electronics and Telecommunication Engineering and that too the Radio & System vide Annexure P-5 which is a Certificate attached with the present petition. He also submitted that the aforesaid diploma cannot be put at equivalence to that of the aforesaid education qualifications because it is totally a separate and distinct field pertaining to the Electronics and Telecommunication Engineering (Radio and System) and it has got nothing to do with the Electrical Engineering when the post is for Junior Engineer (Electrical) under Cat. No.17 and the qualification for the aforesaid post is stated to be diploma in Electrical Engineering/Electrical and Electronics Engineering. Therefore, the petitioner has been rendered ineligible for being considered for the aforesaid post in a rightful manner.

4. On the other hand, Mr. Pankaj Middha, learned counsel for respondent No.2 submitted that the Dakshin Haryana Bijli Vitran Nigam has been wrongly impleaded as party because the category under which the petitioner has applied is meant for HVPNL which is also a part of the Electricity Department and therefore, so far as respondent No.2 is concerned, it is not even a proper party.

5. I have heard the learned counsels for the parties.

6. The only issue involved in the present case is as to whether the petitioner should be considered as equivalent based upon the Certificate of



diploma vide Annexure P-5 or not and as to whether it corresponds with the essential qualifications or re-advertisement or not. The essential qualifications which are so stated in the advertisement in Category No.17 is reproduced as under:-

Advt. No.10/2019
HARYANA STAFF SELECTION COMMISSION
BAYS NO.67-70, SECTOR-2, PANCHKULA-134151
Website www.hssc.gov.in

Items(s)	Timeline
Date of publication	15 th June 2019
Opening date for submission of online applications	20 th June 2019
Closing date for submission of online application	4 th July 2019 (by 11:59PM)
Closing date for deposit of fee	8 th July 2019

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Cat. No.17 165 posts of Junior Engineer (Electrical)

Cat.	Total	NON ESM/ESP	ESM	ESP
GEN.	70	56	11	3
SC	36	28	4	4
BCA	26	20	4	2
BCB	17	11	5	1
EWS	16	-	-	-

Grand Total = 165

PwD (Person with Disability)

Deaf and Hard of Hearing-04

Hearing Handicap Bifurcation- Hard of Hearing/Partial Deaf (HH/PD)=4,

Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy=5

Locomotor disability Bifurcation- **One Leg (OL)=5**

Essential Qualification:-

i) Full-time 3 years Diploma in Electrical Engineering/ Electrical and 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/Other Category candidates and 55% marks in respect of SC Category candidates of Haryana



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recruitment in the Electricity Department in HVPNL for the post of Junior Engineer (Electrical) and the qualification was Electrical Engineering/ Electrical and Electronics Engineering whereas the aforesaid Certificate (Annexure P-5) would show that it does not even remotely refer to the expression '*Electrical*' and the diploma is only in Electronics & Telecommunication Engineering (Radio & System). The reliance which has been placed on the marksheet would also suggest that it does not so specifically state that the petitioner had studied and has expertise in the subject of Electricity. So far as the reliance placed by the learned counsel for the petitioner on Annexure P-6 is concerned, it only states that those diploma which has been taken by the candidates in the Indian Armed Forces (Army), they are to be treated at par with the certificate issued by the NCVT/NCTVT and for employment purposes by all States and Central Government Departments. By no stretch of imagination, it can be presumed that even equivalence can be disturbed by way of the aforesaid Annexure P-6. Vide Annexure P-6, the only thing which has been so provided is that in the same trade and the same discipline/subject, the equivalence can be granted whereas in the present case the subject and trade is totally different and the diploma which the petitioner has done, has got nothing to do with the Electrical Engineering.

9. In view of the aforesaid facts and circumstances, this Court finds no merit in the present petition and the same is hereby dismissed.

15.10.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |