



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
245

CWP-14857-2024 (O&M)
Date of decision: 11.12.2025

Jitender

....Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Limited and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Satbir Rathore, Advocate
with Ms. Devanshi Sharma, Advocate
Ms. Jyotika, Advocate
and Mr. Saksham Sharma, Advocate
for the petitioner.

Mr. Sandeep Singh Mann, Advocate
for the respondents.

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been preferred under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for setting aside the order dated 04.07.2023 (Annexure P-16) passed by respondent No.3 whereby the services of the petitioner from the post of Lineman have been terminated as well as order dated 01.05.2024 (Annexure P-18) passed by respondent No.2 whereby the appeal filed by the petitioner has been dismissed.
2. Learned counsel for the petitioner submits that respondent-UHBVNL issued an advertisement bearing No.1/2011 for recruitment of Assistant Lineman and the petitioner was selected in pursuance thereof



as he had the requisite qualifications from Swami Vivekanand ITI, Bahadurgarh. The petitioner successfully completed two years of probation and continued to render his services for 11 years to the satisfaction of his superiors. In fact, he was also promoted to the post of Lineman vide order dated 01.10.2015 (Annexure P-6). However, vide letter dated 10.05.2022, the XEN, OP Division, sought verification of the provisional certificate of the petitioner from Secretary, Haryana State Board of Technical Education, Government Polytechnic Campus, Sector 26, Panchkula. The XEN was informed that the verification ought to be done by the concerned department as the State Board of Technical Education can only verify the certificates issued by it. Subsequently, vide memo dated 28.09.2022 (Annexure P-8), the XEN directed the petitioner to submit the certificate issued by Haryana Board of Technical Education or concerned board/department within 02 days. Vide letter dated 28.03.2022 (Annexure P-10), the Principal, Swami Vivekanand ITI, Bahadurgarh verified the certificate issued to the petitioner and stated that he had successfully completed his training in the trade of Electrician for the session August, 2008 to July, 2010. In spite of this communication, the petitioner was issued a show-cause notice dated 31.05.2023 (Annexure P-11) to explain his position as his ITI certificate is not recognized by any Technical Board/Department. Ultimately, the services of the petitioner were dispensed with vide order dated 04.07.2023 (Annexure P-16) without duly appreciating the facts and evidence available. Aggrieved by the same, the petitioner preferred



an appeal before respondent No.2 which was also dismissed vide order dated 01.05.2024 (Annexure P-18).

3. Learned counsel submits that the impugned orders are totally non-speaking and the documents submitted by the petitioner have not been considered while deciding to terminate his services. Moreover, there has been no concealment of fact or misrepresentation by the petitioner. Only after verifying his documents did the Selection Agency invite the petitioner for interview. Further, since the petitioner was a regular employee, major penalty of termination cannot be passed against him without providing the procedure prescribed under Regulation 7 of the Uttar Haryana Bijli Vitran Nigam Employees (Punishment and Appeal) Regulations, 2018 (hereinafter 'Regulations of 2018'). However, neither a charge-sheet was served upon the petitioner nor an inquiry was conducted.

4. *Per contra*, learned counsel for the respondents contends that the ITI certificate of the petitioner has been issued by Swami Vivekanand ITI, Bahadurgarh, which is not shown to be affiliated with or recognized by the Haryana State Board of Technical Education or any other competent government-approved body. As such, the petitioner was never eligible for appointment. Regulation 7 of the Regulations of 2018 would only be applicable to regular employees, however, since the very appointment of the petitioner is void, he cannot claim benefits of the same. Further, the principles of natural justice were duly complied with as multiple notices were issued to the petitioner, show cause notice



dated 31.05.2023 (Annexure P-11), personal hearing notice dated 19.06.2023 (Annexure P-13) and final opportunity notice dated 26.06.2023 (Annexure P-14). Despite all these opportunities, the petitioner failed to submit any proof of recognition or affiliation.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner was appointed to the post of Assistant Lineman with respondent-UHBVNL in pursuance of advertisement No.1/2011 (Annexure P-1), which laid down the following essential qualifications:

“E.Q.i) 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 and Domestic Appliances) conducted by Director, Industrial Training & Vocational Education, Haryana or National Apprenticeship certificate awarded under the Apprenticeship Act 1961, from any institute recognized by the State Government.

ii) Hindi/Sanskrit upto Matric Standard.”

6. It appears that the adverse action of termination was taken on discovering the fact that he does not possess valid certification to continue serving on the post to which he was appointed. The petitioner had acquired his certification from Swami Vivekanand ITI, Bahadurgarh, however, this institution does not possess the requisite recognition from the relevant State authorities. A perusal of Annexure R-1 would indicate that the Directorate Skill Development and Industrial Training Department has categorically stated that Swami Vivekanand ITI, Bahadurgarh is not recognised by the Department. This Court in ***Bidhi Chand vs. The Uttar Haryana Bijli Vitran Nigam and***



others 2002(4) SCT 1028 has categorically held that experience cannot be equated with education, especially for jobs where skill and expertise is vital while in *Satnam Kaur vs. The State of Haryana and others 1995 (4) SCT 435* it was opined that long duration of service is not a reason enough to forego the original requirements. Further, this Court in *Ram Bhagat Sharma vs. State of Haryana 1997(4) SCT 820*, speaking through Justice G.S. Singhvi, observed as follows:

*“18. We also do not find any merit in the argument of Shri Sangwan that the examinations conducted by Hindi Sahitya Sammelan, Allahabad, through the centres established in the State of Haryana should be treated as duly recognised because a number of candidates who have passed such examinations have already been employed as Hindi Teachers in the Education department of the State of Haryana. The issue of recognition of the examination conducted by a particular institution has to be considered and decided by the authority which prescribes the qualifications for recruitment to a particular post. In this case, it is the State Government which prescribes the requisite qualifications. Therefore, the decision to recognise or not to recognise the particular qualifications has to be taken by the State Government and not by the Court. Admittedly, the State Government has not taken such a decision, therefore, we cannot draw an inference on the issue of recognition of qualifications merely because some persons possessing similar qualifications have been appointed as Hindi Teachers. In this regard, it will be useful to refer to the observations made by the Supreme Court in *Director, AIIMS and others v. Dr. Nikhil Tandon and others, 1996(7) Supreme Court Cases 741 : 1996(2) SCT 270.**

"The two years' training at the Cambridge University undergone by the respondent while working for his Ph.D. cannot be treated as a qualification recognised as equivalent to DM. Schedule I to the AIIMS Recruitment Rules speaks of DM qualification or a qualification recognised as equivalent thereto. It is not mere equivalence that is enough. It must also be recognised as equivalent. Recognised evidently means recognised by the Institute or at least by the Medical Council of India.



Admittedly, neither has recognised the said research work/training for two years in the Cambridge University as equivalent to DM.”

7. As a matter of fact, this Court in ***Ram Bhagat Sharma’s case (supra)*** had given an opportunity to the teachers who had obtained the requisite qualification from an unrecognised institution but had completed 03 years of service, to acquire the desired qualification within a stipulated time. However, the Hon’ble Supreme Court in ***Pramod Kumar vs. U.P. Secondary Education Services Commission (2008) 7 SCC 153*** disagreed with this approach. Speaking through Justice S.B. Sinha, the following was observed:

*“24. A departmental proceeding against the appellant might have been initiated after the change of management. We will also assume that the said proceeding was initiated after the contempt proceeding was initiated. Appellant, however, has filed a writ application for issuance of or in the nature of a writ of mandamus. **He, therefore, must establish existence of a legal right in himself and a corresponding legal duty in the State. If he did not possess the requisite qualification to hold a post, he could not have any legal right to continue. It was, therefore, immaterial as to why and when the said proceeding had been initiated against him.***

*Reliance placed by Mr. P.S. Patwalia on ***Shainda Hasan v. State of Uttar Pradesh and Others [(1990)3 SCC 48]*** is not apposite. Therein a concession was made on behalf of the State that the University had agreed that asking the appellant therein to leave the job after 16 years will be doing injustice to her. Such a view might have been taken by this Court in exercise of its extra ordinary jurisdiction under Article [142](#) of the Constitution of India. The question, however, that arose therein was as to whether the Selection Committee could grant relaxation of the educational qualification vis-a-vis the experience required to be obtained. It was held that such a power did not exist in the Selection Committee.*



It was, therefore, a case where relaxation in regard to experience was sought for and granted. It was not a case where the appellant therein lacked basic educational qualification. Herein, we are concerned with a case where the appellant lacked basic educational qualification.

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27. A similar question, on the other hand, came up for consideration before this Court in *Ravinder Sharma (Smt.) and Another v. State of Punjab and Others*, 1995(1) SCT 48: [(1995)1 SCC 138] wherein a three Judges' Bench held:

"12. The appellant was directly appointed. In such a case, the qualification must be either :

(i) A Graduate/Intermediate second class or,

(ii) Matric first class.

Admittedly, the appellant did not possess this qualification. That being so, the appointment is bad. The Commission recommended to the Government for relaxation of the qualification under Regulation 7 of the Regulations. The Government rejected that recommendation. Where, therefore, the appointment was clearly against Regulation 7, it was liable to be set aside. That being so, no question of estoppel would ever arise. We respectfully agree with the view taken by the High Court."

28. Almost to the same effect is the decision of this Court in *Mohd. Sartaj and Anr. v. State of U.P. and Others*, 2006(1) SCT 610 : [JT 2006(1) SC 331] holding :

"It is settled law that the qualification should have been seen which the candidate possessed on the date of recruitment and not at a later stage unless rules to that regard permit it. The minimum qualification prescribed under Rule 8 should be fulfilled on the date of recruitment. Equivalence of degree of Moallium-e-Urdu, Jamia Urdu Aligarh with that of B.T.C. in the year 1994 would not entail the benefit to the appellants on the date they were appointed. The appellants could not have been appointed to the post of Asstt. Teachers without having training required under Rule 8. That being the case, the appointments of the appellants were de hors the Rules and could not be treated to be continued. For the aforesaid reasons, we do not find any substance in the appeals and are, accordingly, dismissed."



29. Recently again in *Ashok Kumar Sonkar v. Union of India and Others*, 2007(2) SCT 19 : [(2007)4 SCC 54], it was held :

"16. Indisputably, the appellant herein did not hold the requisite qualification as on the said cut-off date. He was, therefore, not eligible therefore."

(emphasis added)

8. It is the prerogative of the hiring authority to lay out an eligibility criteria for any recruitment exercise as it is best suited to understand the role and its requirements, thus, this Court cannot interfere with it. There is no ambiguity in the advertisement (supra) that the requisite technical qualification had to be obtained from an institution recognised by the State Government at the time of recruitment. As such, the petitioner is expected to ensure that he does in fact qualify for appointment. The petitioner cannot escape liability by placing the entire burden of weeding out wrongly appointed employees on the State, particularly when he failed to exercise due care himself. Allowing such an approach would amount to legitimising a wrongful act merely because it went undetected. A two-Judge Bench of the Hon'ble Supreme Court in *National Council for Teacher Education vs. Venus Public Education Society (2013) 1 SCC 223*, speaking through Justice Dipak Misra made the following observations:

"35. Now, to the last plank of submission of the learned counsel for the appellant. It is urged by him that the NCTE had procrastinated its decision at every stage and such delay was deliberate and, therefore, the society was compelled to admit the students and impart education, regard being had to the fact that there were really no deficiencies. As has been laid down in many a pronouncement of this Court that without recognition from



*the NCTE and affiliation from the university/examining body, the educational institution cannot admit the students. **An educational institution is expected to be aware of the law. The students who take admission are not young in age. They are graduates. They are expected to enquire whether the institution has recognition and affiliation.** If we allow ourselves to say so, the institution had given admission in a nonchalant manner. Possibly, its functionaries harboured the idea that they had incomparable fertile mind. **The students who had taken admission possibly immersed with the idea that ignorance is a bliss. It is also necessary to state that the institution had the anxious enthusiasm to commercialize education and earn money forgetting the factum that such an attitude leads to a disaster. The students exhibited tremendous anxiety to get a degree without bothering for a moment whether their effort, if any, had the sanctity of law. Such attitudes only bring nemesis. It would not be wrong to say that this is not a case which put the institution or the students to choose between Scylla and charybdis. On the contrary, both of them were expected to be Argus-eyed. The basic motto should have been "transparency". Unfortunately, the institution betrayed the trust of the students and the students, in a way, atrophied their intelligence.** The institution decidedly exhibited characteristics of carelessness. It seems that they had forgotten that they are accountable to law. **The students, while thinking "vision of hope", chose to play possum. The law does not countenance either of the ideas.** Hence, the plea propounded with anxiety, vehemence and desperation on behalf of the appellant is not acceptable and, accordingly we unhesitatingly repel the same.”*

9. Reliance in this regard can also be placed on the judgment rendered by this Court in *Monu vs. State of Haryana* in CWP-4559-2025 decided on 13.11.2025.

10. While this Court may sympathise with the petitioner regarding the delay of 11 years, the settled law must prevail. The petitioner misrepresented his eligibility by failing to ensure compliance with the expressly stated qualifications set out in the advertisement



(supra). This, however, does not imply the existence of *mens rea* on the part of the petitioner. In any event, *mens rea* is relevant only to criminal proceedings, and the absence thereof cannot shield the petitioner from civil consequences. At this juncture, a reference may be made to the maxim- *sublato fundamento cadit opus* which translates to: when the foundation is removed, the structure falls. Since the ITI certificate of the petitioner was issued by an unrecognised institution, the very foundation of his employment stands vitiated thus, he shall not be entitled to any benefits arising from such tainted service, including application of Regulations of 2018.

11. In view of the above discussions, the present petition is dismissed being bereft of any merit.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

11.12.2025
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No