

2025:PHHC:079613-DB



CWP-17891-2025 (O&M)

Date of Decision: 03.07.2025

Sushil Kumar

...Petitioner

Vs.

Haryana Vidyut Prasaran Nigam Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

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

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The challenge is to the notification dated on 09.10.2009, whereby while exercising the powers under Section 56 (3) (vi) of the Haryana Electricity Reforms Act, 1997 read with Electricity Act, 2003, revising the qualifications/share quota and conditions for the post of Lower Division Clerk (LDC) by direct recruitment and promotion.

2. Essentially the case of the petitioner is that while 20% posts of LDCs have been reserved for promotion from amongst Class-IV employees who are matriculate prior to 27.08.2002 and 10+2/10+2 (vocational) prior to 27.08.2022 and 5% posts have been separately earmarked for promotion from amongst the Class-IV employees who were holding the post of Peons, DMA's, Restorers, Havildars, Daftris, Photedars, Book-Binders, Safai Karamcharis, Malis and Chowkidars etc. who possess the qualification of graduate from any recognized university. That apart 75% posts of LDCs have been earmarked for direct recruitment where the qualification laid down is

10+2/10+2 (vocational) with 50% marks or equivalent or graduate from any board/university recognized by the Government of Haryana.

3. Learned counsel submits that so far as 5% posts of LDCs required to be filled by promotion amongst Class-IV employees holding the post of Peons, Restorers etc. is concerned, the higher qualification of graduation is wholly unjustified and illegal. The said provision has no nexus to the purpose sought to be achieved and further it creates an artificial classification amongst Class-IV employees who are entitled for consideration for promotion.

3. He submits that while 20% posts of LDCs can be filled by way of promotion from amongst Class-IV employees who are only matriculate, 10+2, there was no occasion for separately providing 5% quota for filling up the post of LDCs only for graduate and above. The same has resulted in causing discrimination between the similarly situated Class-IV employees and junior employees have been able to march over the seniors. The petitioners would have been promoted in 2009 had the qualification being same, but while his juniors were promoted in 2009 under 5% quota reserved for graduate, the petitioner was promoted in 2016, he, therefore, prays that the rule should be quashed as *ultra vires*.

4. We have considered the submission as noted above.

5. We notice that the State in order to consider the requirements of persons having higher qualification i.e. graduation, has earmarked 5% posts of LDCs for promotion from amongst persons who are actually working in the offices. The LDCs were required to perform their duties to certain extent may be posted at key basis having higher qualification of graduation. At the same time in order to provide avenue for promotion to even Class-IV employees having lesser qualification, 20% posts have been reserved. Thus,

we find that there is a reasonable classification between the Class-IV employees by the State with particular purpose. In the circumstances, we do not find any reason to quash Clause(c) of the notification dated 09.10.2009 as we do not find the same to be *ultra vires* of Article 14 of the Constitution of India.

6. For the reasons recorded above, the writ petition fails and is accordingly dismissed.

7. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

03.07.2025
rajesh

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