



LPA-2280-2017 (O&M)

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

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LPA-2280-2017 (O&M)

Date of Decision: 13.02.2025

Union of India and others

..... Appellants

Versus

Ram Niwas

..... Respondent

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

Present: Mr. Anil Chawla, Advocate
for the appellants.

Mr. Lalit Kumar Yadav, Advocate, for
Mr. R.K. Bagga, Advocate
for the respondent.

SANJEEV PRAKASH SHARMA, J (ORAL)

1. The present appeal has been preferred by the appellants-Union of India assailing the order dated 04.10.2017 passed by the learned Single Judge, whereby the writ petition filed by the writ petitioner (now herein respondent) was allowed and the appellants were directed to issue appointment letter to the writ petitioner/respondent.

2. The question regarding the qualification for the post of Boiler Attendant is a subject matter which requires to be dealt with by us taking into consideration the judgment passed by the learned Single Judge, which is impugned by the Union of India-appellants before us.

3. Learned counsel for the appellants submits that the post of

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Boiler Attendant as required under the Rules shall fulfil the following essential qualifications:-

“Essential Qualification

(a) NCTVT Certificate in their relevant trades i.e. Fitter Electric, Fitter General, Examiner (Having NCTVT Certificate in Machinist/Welder/Electrician trade), Chemical Process worker, Boiler Attendant.

(b) When applicants with NCTVT Certificate as mentioned above are not available then only applicants with ITI or equivalent Diploma/Certificate holders will be considered.

(c) Candidate should have the 1st class competency certificate for the post of Boiler Attendant.”

4. It is an admitted position that the respondent-writ petitioner was possessing certificate of appearing in ‘Construction Trade Competency Programme’ organized by the Construction Industry Development Council (for short referred to as ‘CIDC’) and Indira Gandhi National Open University and was granted competency certificate as Boiler Operator. The certificate was issued on 20.12.2007 by the CIDC. It is the case of the appellants that they had filed a detailed affidavit on 09.01.2016 based on the documents to substantiate that the qualifications laid down for the post of Boiler Attendant which required NCTVT or ITI certificate in Mechanical/Vendor/Electrician Trade, chemical process worker or Boiler Attendant, cannot be treated equivalent to the certificate which the writ petitioner possesses as noted above. It was also the case of the appellants that on a specific letter sent to the Construction Industry Development Council, a reply had been received on 19.10.2016 where the Council itself clarified that CIDC competency certificate is not to be compared for

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equivalence to an ITI certificate. He, therefore, submits that the learned Single Judge has erred in equating the same and directing the petitioner to be considered for selection and appointment on the post of Boiler Attendant.

5. Per contra, learned counsel for the respondent-writ petitioner submits that the certificate issued by CIDC is a competency certificate as Boiler Operator and was provided to him under the Training and Certification of Workers in Informer Sector conducted by ITI, Karnal. The same, therefore, ought to be declared sufficient for appointment as Boiler Attendant and there was no requirement of equivalence as such since the post of Boiler Attendant was in question before the Court, therefore, supposed the order passed by the learned Single Judge.

6. We have considered the submissions made by both the parties and carefully gone through the provisions of the Rules.

7. As per the Rules, the post of Boiler Attendant requires essential qualification of having passed NCTVT Certificate as a first choice. In the absence of candidates having the said NCTVT Certificate, the applicants with the ITI or equivalent diploma certificate were also to be considered. Apart from the said two qualifications, it was also required for candidates as a preferable qualification to have first class competency certificate for the post of Boiler Attendant. Thus, simply having a certificate of competency for the post of Boiler Attendant would be only a preferable qualification without the essential qualifications as above and hence, the petitioner cannot be said to be qualified in terms of the Rules for appointment on the post of Boiler Attendant. We find that the learned Single Judge has erred in directing for consideration of petitioner's name. Moreso, the very

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qualifications as noticed above, specify the actual qualifications required apart from the competency certificate in Boiler Attendant. We are also satisfied that the Construction Industry Development Council also does not recognize the said Certificate as equivalent to that of ITI Certificate.

8. In view of the above, the judgment dated 04.10.2017 passed by the learned Single Judge cannot be sustained in law and accordingly, the same is set aside. The instant appeal is allowed.

9. The pending misc. application, if any, shall stands disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

13.02.2025
D.Bansal

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