

2025:PHHC:172614



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234

CWP-25059-2022

Date of decision: December 10, 2025

ANUP KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Anurag Goyal, Senior Advocate with
Mr. Nikhil Lather, Advocate
for the petitioner.

Mr. Rohit Arya, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *mandamus* directing the respondents to consider the petitioner eligible for the post of Engineering Drawing Instructor, and give him appointment on merit as a General category candidate, with all consequential benefits, with effect from the date other selected candidates have been appointed.

2. Brief facts of the case are, the third respondent-Haryana Staff Selection Commission (HSSC), issued advertisement 12/2019 inviting application for various posts for the second respondent-Department of Skill Development and Industrial Training, including the aforementioned post, for which the petitioner applied as a General category candidate before the closing date, i.e., 20.08.2019. The essential qualifications for the post were as follows:

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i) AICTE recognized Bachelor degree in Engineering/ Technology or its equivalent in Electrical/Mechanical trade, from AICTE recognized institution/ university or Institutions established by Ministry of Human Resource Development (MHRD), Government of India, on full time regular mode basis, with one year practical/ teaching experience;

OR

Diploma in Engineering or its equivalent in Electrical/Mechanical trade, from State Board of Technical Education of any State Government with two years practical/teaching experience.

ii) Knowledge of Hindi / Sanskrit upto Matric standard or higher education.

Note:

a) Preference shall be given to degree/ diploma holder candidate possessing Craft Instructor Training Course in relevant trade/ P.O.T., from NCVT recognized institute;

b) Experience should be in the concerned trade/field in an Industrial establishment covered under Apprenticeship Act or in a recognized technical institution;

c) In case of Ex-serviceman, Craft Instructor Training course shall be relaxed if the candidate possesses equivalent technical qualification as certified by Director General, Rehabilitation, Ministry of Defence, or Director General Employment and Training, Government of India.

2.1. The petitioner possessed the requisite qualification of Bachelor of Technology/B.Tech (Electrical Engineering), for which he cleared the



final year examination in June 2015 in first division. A copy of his degree dated 31.12.2015, has been placed on record as Annexure P-7. At the time of filling up the application form, he had been issued a provisional degree certificate, Annexure P-6, certifying that he passed the four-year degree course from Geeta Institute of Management and Technology, Kanipla, Kurukshetra, from 2010 to 2014, by obtaining 4150 out of 6180 marks. The certificate was uploaded by him with the application form, Annexure P-2, along with other educational certificates of Matriculation, Senior Secondary and three years' Diploma in Engineering (Electronics and Communication). An experience certificate dated 25.09.2019, Annexure P-8, was also submitted by the petitioner certifying that he had worked as Electrician Instructor in Gian Sagar Private Industrial Training Institute (ITI) Narwana, from 01.08.2016 till the date of the issuance of the certificate. This showed he had about three years' experience in the concerned Electrical trade in a recognised technical institution.

2.2. The petitioner participated in the selection process, cleared the written examination and was called for scrutiny of documents scheduled from 16.03.2020 to 18.03.2020. He appeared before the Commission and submitted all the requisite documents, including his B.Tech (Electrical Engineering) degree. The final selection result was declared on 29.07.2022, but he was not selected. The detailed result of candidates, Annexure P-13, was uploaded by the Commission later, wherein the petitioner's scrutiny status was shown as 'Not Eligible'. He thereafter submitted representations

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to the Commission dated 09.09.2022 and 23.08.2022, Annexures P-12 and P-11 respectively, that he had been wrongly declared as ineligible and required to be considered for selection on the basis of his qualifications and merit. Getting no response, he approached this Court and vide order dated 06.12.2023, the respondents were directed to keep one post of Engineering Drawing Instructor in General category vacant during pendency of the petition. The petitioner's result sheet has also been produced on record, establishing that he has secured 87 marks against 78.50 secured by the last selected candidate in the category.

2.3. The reason for declaring him ineligible, as mentioned in the short reply filed on behalf of the Commission, is that he does not fulfill the requisite qualification either on the basis of Diploma in Electronics and Communication Engineering, or the provisional degree in Electronic Engineering. Besides, his experience as Electrician Instructor, which is from an institute affiliated to the office of Director General of Training (DGT), is not relevant for the post in question.

3. In this factual background, learned counsel for the petitioner contended that rejection of the petitioner's candidature on account of ineligibility is on vague and baseless grounds. The petitioner has claimed eligibility on the basis of B.Tech (Electrical Engineering) degree by submitting his provisional degree certificate along with the application form, since at the time of applying for the post the final degree was not with him.



Merely because he was not in possession of B.Tech degree before the closing date, it cannot be a ground to declare him ineligible, more so when the fact of his possessing the degree is not in dispute. Besides, he has the requisite experience of working as Electrician Instructor for over three years in an ITI duly affiliated to DGT.

4. *Per contra*, learned State counsel contends that petitioner's provisional degree is in Electronics Engineering, as also his Diploma certificate, which are not relevant to the post in question. Accordingly, he has rightly been considered ineligible. He, however, could not dispute that the petitioner's experience as Electrician Instructor in ITI is from a recognised institute.

5. The submissions made by learned counsel for the parties have been heard and considered.

6. It is apparent on record that the petitioner applied for the post of Engineering Drawing Instructor as a General category candidate, for which one of the requisite qualifications was Bachelors degree in Electrical/Mechanical trade with one year practical experience in a recognised technical institution. The petitioner undisputedly possessed the degree of B.Tech. (Electrical) from Geeta Institute of Management and Technology, and had cleared final examination of the course in June 2015. The degree was issued to him on 31.12.2015, but he somehow submitted provisional degree certificate to the Commission which certified that he had

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passed four year degree course in 'Elect. Engg.' The Commission wrongly read it as Degree in Electronics Engineering, though it was Degree of B.Tech (Electrical Engineering), as established by the degree certificate dated 31.12.2015. One of the purposes of calling candidates for scrutiny of documents is to verify their original certificates. And the fact whether the petitioner's degree was in Electrical or Electronics Engineering could have been ascertained at that time. The Commission, however, failed to do so and considered him ineligible by misreading his provisional degree certificate as the one for Electronics Engineering, instead of Electrical Engineering. This was despite the fact that he had clearly mentioned his Bachelors degree in the application form as 'B.E./B.Tech (Electrical Engineering)'. This shows the entire exercise of scrutiny of documents has been carried out in a slipshod manner without realising seriousness of the job, as also the adverse consequences of any wrong declaration on a candidate's career. Further, it is evident that the petitioner's experience as Electrician Instructor in a Government recognised ITI is in the concerned field, as Bachelors degree in Electrical trade is a requisite qualification for the post. Therefore, the Commission was patently wrong in considering it not relevant to the post in question. This is contrary to the requirements of essential qualification as notified in the advertisement itself. Apparently, the petitioner has been declared ineligible and his experience has been ignored in a callous and arbitrary manner on unfounded grounds which renders the declaration unsustainable in law.



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7. As established on record, the petitioner has secured 87 marks in selection as a General category candidate as against 78.50 of the last selected candidate, and one post of Engineering Drawing Instructor has also been kept vacant in terms of interim order passed by this Court. Accordingly, the petitioner is entitled to be considered for appointment against the post on merit.

8. In view of the discussion, the petition is allowed and the respondents are directed to consider the petitioner's eligibility on the basis of his M.Tech. (Electrical Engineering) degree and experience as Electrician Instructor, and appoint him as Engineering Drawing Instructor subject to fulfilling other requisite conditions. The appointment will be notionally from the date other candidates have been appointed, with actual benefits from the date of joining the service. These directions are to be carried out within a period of four weeks from the date of receiving a certified copy of the order.

December 10, 2025

Jaspreet Kaur

(TRIBHUVAN DAHIYA)

JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*