



CWP -21500 of 2023 (O&M) -1-

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

**CWP -21500 of 2023 (O&M)
Date of Decision: 09.07.2025**

Rahul

....Petitioner

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ramnish Puri , Advocate
for the petitioner

Ms. Rajni Gupta, Addl.A.G, Haryana

Ms. Nikita Goel, Advocate
for respondents No. 2 to 4

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 20.09.2023 (Annexure P-14) whereby he has been discharged from service.

2. The respondent vide Advertisement No.11/2019 dated 05.07.2019 invited applications for different posts including Assistant Lineman (in short 'ALM'). 1307 posts of ALM were advertised *qua* Uttar Haryana Bijli Vitran Nigam Ltd. (in short 'UHBVNL') and 183 posts *qua* Dakshin Haryana Bijli Vitran Nigam Ltd. (in short 'DHBVNL'). The essential qualification for the said post was prescribed as below:-



“Essential Qualification:-

1. 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 & Domestic Appliances) conducted by Director, industrial Training & Vocational Education, Haryana or National Apprenticeship Certificate awarded under the Apprenticeship Act-1961 from any institute with a minimum 60% marks in respect of General category & other category candidates and 55% marks of SC category candidates of Haryana domicile recognized by the State Government.

2. Hindi/Sanskrit as one of the subject in Matriculation or Higher.”

3. The petitioner was possessing Bachelor Degree in Arts besides two years ITI Certificate in Electrician from a private registered institute. He was also possessing three years Diploma in Electrical Engineering. He came to be selected on the basis of his merit in the written test. He joined service in July’2022. He came to be terminated vide order dated 20.09.2023 passed by XEN (OP) Division, Uttar Haryana Bijli Vitran Nigam, Beri.

4. Mr. Ramnish Puri, Advocate submits that impugned order is liable to be set aside on three counts namely, (i) order has been passed by incompetent authority; (ii) ITI Certificate has been issued by registered institute though was not recognised by State Government and (iii) he is possessing three years’ Diploma which is recognised qualification.

5. Per contra, counsel for respondents submits that at the time of advertisement XEN was competent authority, though at the time of recruitment and passing impugned order Superintending Engineer was the competent authority. In the advertisement, it is not prescribed that ITI

**CWP -21500 of 2023 (O&M) -3-**

Certificate should be issued by an organisation which is recognised by State Government, however, it is implied. The petitioner did not upload his Diploma Certificate while filing application, thus, it cannot be considered.

6. I have heard learned counsel for the parties and perused the record with their able assistance.

7. From the perusal of record, it is evident that impugned order was passed by an authority which was incompetent, thus, impugned order needs to be set aside on the ground of jurisdiction.

8. In the advertisement, it was prescribed that candidate must possess ITI Certificate, however, it was nowhere prescribed that institute should be recognised by State Government.

9. The Supreme Court has recently in *Haryana Staff Selection Commission and another vs. Suresh Kumar [SLP(C)No. 7706/2024]* vide order dated 20.08.2024 has held that in the absence of specific requirement in the advertisement, Selection Commission cannot form an opinion that Certificate of Computer Course should be obtained from a recognised institute.

10. The respondent has selected many candidates who are possessing three years Diploma or Degree. This Court has upheld stand of respondents that Diploma/Degree holder may be appointed on the post of ALM.

11. In the wake of aforesaid facts and findings, the impugned order is hereby set aside with a direction to Superintending Engineer to pass a fresh order in accordance with law. The Superintending Engineer would consider ITI Certificate as well as Diploma of petitioner while passing order.



12. Petition stands disposed of in the above terms. Let the needful
be done within one month from today.
13. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

09.07.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	