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

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Date of Decision: 09.09.2025

VISHAL AND OTHERS

... PETITIONERS

VS.

STATE OF HARYANA AND ANOTHER

.. RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Ravinder Malik (Ravi), Advocate,
for the petitioners.

ASHWANI KUMAR MISHRA, J. (ORAL)

1. Petitioners were appointed as Class-IV employees. Some of them have been promoted to Class-III employees. All of them claim to have obtained three-year diploma in Civil Engineering. They are claiming promotion to the posts of Junior Engineer (Civil).

2. The appointment to the post of Junior Engineer (Civil) is regulated by the provisions of Haryana Public Works Department, Public Health Branch, Junior Engineers (Group C) Service Rules, 1986. These rules were amended vide notification dated 21.10.2022. It is by virtue of this notification the posts of Junior Engineer can now be filled by way of



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promotion form employees falling in Groups 'C and D'. The amended provisions, insofar as they relate to Junior Engineer, reads as under:-

“

Serial Number	Designation of Post	Academic qualifications and experience, if any, for direct recruitment	Academic qualifications and experience, if any, for appointment other than by direction recruitment.
1	2	3	4
1.	Junior Engineer (Civil)	(i) Three years Diploma in Civil Engineering, conducted by the State Board of Technical Education, Haryana or any others Institute recognized by the Government; Or B.Tech in Civil Engineering/Bachelor in Engineering (Civil) from any recognized university, approved by the University Grants Commission/All India Council for Technical Education or Associate Membership Examination of the Institute of Engineers; and (ii) Hindi or Sanskrit as one of the subject in Matric or Higher Education.	By promotion- (i) Five years experience as Group 'C' employee; OR Eight years experience as Group 'D' employee; (Note-The experience only after acquiring the academic qualification as mentioned below shall be considered) (ii) Three years Diploma in Civil Engineering, conducted by the State Board of Technical Education Haryana or any others Institute recognized by the Government; Or B.Tech in Civil Engineering/Bachelor in Engineering (Civil) from any recognized university, approved by the University Grants Commission/All India Council for Technical Education or Associate Membership Examination of the Institute of Engineers. By transfer or deputation- (i) Three years Diploma in Civil Engineering, conducted by the State Board of Technical Education, Haryana or any others Institute recognized by the

			Government; Or B.Tech in Civil Engineering/Bachelor in Engineering (Civil) from any recognized university, approved by the University Grants Commission/All India Council for Technical Education or Associate Membership Examination of the Institute of Engineers; (ii) two years experience as Junior Engineer (Civil); and (iii) Hindi or Sanskrit as one of the subjects in Matric or Higher Education.”
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3. The petitioners are aggrieved by the note appended to the amended rules, which states that the experience gained after acquiring the academic qualification, as mentioned, shall be considered.
4. Learned counsel for the petitioners states that the note appended to the amended rules is wholly arbitrary, as there is neither any intelligible differentia nor any object to be achieved by incorporating such a condition, inasmuch as all the petitioners have worked for five years or eight years, respectively, on Group 'C' or Group 'D' posts and, therefore, the insistence upon such experience of working only after acquiring the academic qualification, is arbitrary.
5. Learned counsel for the petitioners further contends that the experience of working on Class-III and Class-IV posts makes no difference whether the petitioners have the qualification or diploma or not. It is also submitted that same work and duties are otherwise being performed by the

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petitioners with or without diploma and, therefore, the insistence of such experience of working only after acquiring the higher qualification of diploma be declared ultra vires.

6. Mr. Puneet Gupta, Additional Advocate General, Haryana, appearing, on advance notice, on behalf of the official respondents-State, opposes the prayer made in the writ petition on the ground that the prescription of qualification can always be laid down by the employer and ordinarily such prescription would not be open to challenge unless the provision itself is found ultra vires. He further submits that the appointment on the post of Junior Engineer otherwise is required to be made by way of open competition among candidates possessing the requisite qualification, diploma or degree. It is further submitted that those candidates, who are to be considered for promotion from Class 'C' and Class 'D' posts, are exempted from facing such open competition. In such circumstances, the State would be well justified in insisting upon requisite length of experience to be counted only after acquiring the academic qualification as a condition for promotion.

7. We have heard learned counsel for the parties.

8. Prior to the amendment introduced vide notification dated 21.10.2022, the posts of Junior Engineer could be filled either by direct recruitment or promotion. There was, however, no provision for promotion from Class 'C' or Class 'D' employee to the post of Junior Engineer. The amended provisions introduced by way of notification allow for such promotion to be made from Class 'C' and Class 'D' posts, thereby exempting the concerned appointee from facing open competition. The right of

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promotion is being extended to Class 'C' and Class 'D' employees, subject to conditions which are found appropriate by the State. The requirement of possessing the requisite experience as Group 'C' or Group 'D' employees along with requisite qualification for the post has a purpose, an object to sub-serve. In the event, experience prior to obtaining such higher qualification was allowed to be counted, then any Group 'C' or Group 'D' employee would become entitled to promotion merely by acquiring the qualification or diploma. The State has not allowed such exigency to occur, as in such circumstances the concerned employee is not required to face open competition only on account of his appointment on Group 'C' and Group 'D' posts. In order to create an avenue for promotion, the employer has, therefore, provided that Group 'C' and Group 'D' employees may be promoted only after acquiring the requisite academic qualification and the relevant experience, thereafter. This has the effect of carving out an exception from the normal recruitment to be followed for the post of Junior Engineer (Civil).

9. In our view, the State, as the employer, has the right to prescribe such a condition while creating an avenue of promotion for Group 'C' and Group 'D' employees.

10. We do not find the note appended to Clause (I) in Appendix B as laying down any condition which could be said to be ultra vires. The challenge laid down in the present petition, accordingly, is found to be devoid of any merit.

11. The writ petition stands dismissed.



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

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

09.09.2025
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Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No