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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on: 09.09.2025

+ W.P.(C) 13471/2025

SACHIN DEWANGAN

.....Petitioner

Through: Mr. Gurpreet Singh, Advocate.

versus

NATIONAL THERMAL POWER
CORPORATION LIMITED

.....Respondent

Through: Mr. Akshit Pradhan, Mr. Aakrist
Goyal, and Mr. Manmohan Singh
Narula, Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J. (ORAL)

1. The petitioner was a candidate for appointment to the post of Engineer (Mechanical Erection) - E2 Level pursuant to an advertisement issued by the respondent – National Thermal Power Corporation Limited [“NTPC”], bearing Advertisement No. 25/2023 [“Advertisement”]. He is aggrieved by a communication dated 12.07.2024, by which he has been informed that he does not meet the advertised eligibility criteria of a minimum of four years of post-qualification executive experience (excluding training/trainee period) in mechanical erection at site in the relevant areas in major infrastructure projects.
2. The Advertisement contained the following educational and experience qualifications for the post in question:



“B. Name of Post: Engineer (Mechanical Erection) - 35 Posts

Qualification: B.E/B. Tech Degree in Mechanical/Production with at least 50% marks from a recognized University/Institution.

Experience Profile: Minimum 04 years of post-qualification executive experience (excluding training/trainee period, if any) in Mechanical Erection at site in the area of Pressure parts /Heavy equipment installations/material handling systems/Steam Turbine/Steam Generator in major infrastructure projects like Thermal/Hydro/Nuclear power projects/ Refinery/ Fertilizers/Petro chemicals/ Steel /Cement.”¹

3. The petitioner submitted his application and participated in the written test held on 24.02.2024. Alongwith his application, the petitioner submitted an experience certificate dated 27.03.2024, issued by Konkan Railways Corporation Limited [“Konkan Railways”], where he was employed from 08.12.2016 to 29.02.2024.
4. The petitioner was thereafter called for an interview on 07.04.2024, and was subsequently informed by email dated 18.05.2024 that he had been shortlisted for document verification. By the said communication, the petitioner was requested to review the documents uploaded by him with respect to the experience-related eligibility criteria. He was referred to the detailed advertisement specifying the list of documents required to ascertain his eligibility, and was directed to re-upload a complete set of documents if the earlier submissions were found to be incomplete or insufficient.
5. The petitioner did not submit any further documents at this stage.
6. By the impugned communication dated 12.07.2024, the petitioner was advised that, as per the advertised eligibility criteria, he did not meet the required qualification.

¹ Emphasis supplied.



7. The petitioner has submitted two representations thereafter, on 15.07.2024 and 26.07.2024, contesting this position. He has also submitted some additional material with the representation dated 26.07.2024.

8. As the respondent has failed to reconsider its decision, the petitioner has approached this Court under Article 226 of the Constitution.

9. Notice was issued in this writ petition on 09.02.2025 and the respondent was permitted to file an affidavit in response. Although the affidavit dated 08.09.2025 was served upon Mr. Gurpreet Singh, learned counsel for the petitioner, yesterday, it has not yet come on record. A copy of the said affidavit has been handed up in Court by Mr. Akshit Pradhan, learned counsel for the respondent, and has been taken on record with the consent of learned counsel for the parties.

10. I have heard learned counsel for both parties.

11. The only question which requires consideration in the present writ petition is whether the respondent's rejection of the petitioner's post-qualification experience is liable to interference under Article 226 of the Constitution. The document relied upon by the petitioner in support of his claim of requisite experience is the aforesaid experience certificate dated 27.03.2024. The certificate reads as follows:

"This is to certify that Shri Sachin Dewangan has worked in Udampur-Srinagar-Baramulla Rail Link (USBRL) Project of Konkan Railway Corporation Limited on individual contract basis as Junior Technical Assistant in Civil Engineering Department from 08/12/2016 to 29/02/2024.

During his tenure, he had been engaged in Planning, Execution Supervision, Quality Assurance & Quality Control of Fabrication and



Erection works of Heavy Structural Steel in Chenab Bridge, Anji Khad Cable Stayed Bridge & other Major Bridges.

He was also involved as the Technical Representative for all matter related to Contract Management and Correspondences, Project Management, Material Procurement, Material Handling System, Expediting of works, interpretation of Structural Drawing, Preparation, review & finalization of ITPs/QAPs/Procedures, Cable Stayed works, Load Testing of Bridges, Billing and Correspondence related to project works. He was also functioning in coordinating with various Onsite/Offsite agencies like Contractors, TPAQAs, RDSO officials.

His character & conduct is satisfactory during this period.

This certificate has been issued on specific request of Shri Sachin Dewangan.”

12. When the petitioner was called for interview by communication dated 26.03.2024, it was stated as follows:

“Please note that your candidature is being considered for the said post on provisional basis. The fact that you have been called to appear/attend the interview does not guarantee the adequacy of your candidature for being considered for the advertised post. Final selection shall be subject to document verification as per the advertised qualifying requirements.”²

13. At the stage of document verification, it was further stated as follows:

“Ref. your application for the post of Engineer (Mechanical Erection) against our advt. no. 25/23, we are pleased to inform that you have been shortlisted for document verification.

Accordingly, you are requested to review the documents uploaded by you, with respect to your meeting the advertised qualifying requirements, especially the EXPERIENCE RELATED ELIGIBILITY CRITERIA i.e. Minimum 04 years of post-qualification executive experience (excluding training/trainee period) in the relevant area.

² Emphasis supplied.



You may refer to the enclosed detailed advt. & trailing mail dated 26.03.2024 specifying the indicative list of documents required to ascertain your eligibility.

In case your earlier documents are not complete/sufficient, kindly re-upload your complete set of documents IN A SINGLE PDF FILE strictly as per the sequence specified in the trailing mail latest by 20.05.2024 (AN).³

14. It is the undisputed position that the only document filed by the petitioner at this stage, was the aforesaid experience certificate dated 27.03.2024, although he has annexed additional documents to his post-rejection representation dated 26.07.2024.

15. In the affidavit filed by the respondent, two contentions have been taken to suggest that the petitioner's experience was not in terms of the specified criteria. The first relates to his status in his previous employment, and the second to the nature of the experience required.

16. Turning first to the nature of the petitioner's work experience, the affidavit states as follows:

*"8. Further, as per the documents uploaded by the petitioner, he was working on USBRL Project, Jammu and Kashmir through the Konkan Railways Corporation Limited and it could not be established if the experience of the Petitioner was "in the area of Pressure parts/Heavy equipment installations/material handling systems/Steam Turbine/Steam Generator in major infrastructure projects like Thermal/Hydro/Nuclear power projects/Refinery/Fertilizers/Petro Chemicals/Steel/Cement" as detailed in the Advertisement. **The experience of the Petitioner was in bridge erection work which primarily belongs to civil engineering sector whereas the Respondent required experience in a major infrastructure project such as Thermal/Hydro/Nuclear power project or refinery or steel or cement etc., which was also stated in the Advertisement.***

9. Since the documents of the Petitioner failed to prove that the Petitioner possessed/met the requisite criteria as mentioned in the Advertisement, the Respondent did not proceed with the candidature

³ Emphasis supplied.



of the Petitioner and the same was informed to the Petitioner vide email dated 12.07.2024.

10. On 26.07.2024, a telephonic conversation took place between the Petitioner and the Respondent, where a detailed explanation about the ineligibility of the Petitioner was provided to the Petitioner by the Respondent, pursuant to which, an additional document annexed as ANNEXURE P9 of the present Petition, was submitted by the Petitioner to the Respondent. However, since the said document also failed to prove that the Petitioner is having executive experience and is working in Mechanical Erection of Pressure parts/Heavy equipment installations/material handling systems/Steam Turbine/Steam Generator in a major infrastructure project such as Thermal/Hydro/Nuclear power project or steel or cement etc., the Respondent's observation that the petitioner was not eligible for the post remained unchanged.⁴

17. In general, the assessment of a candidate's qualifications, including experience requirements, is a matter within the domain of the employer. The writ Court is circumspect in intervening in such matters unless the employer's assessment is shown to be manifestly arbitrary or unreasonable. Reference, in this connection, may be made to the judgment of the Supreme Court in *Maharashtra Public Service Commission v. Sandeep Shriram Warade*⁵, wherein the Court held as follows:

"9. The essential qualifications for appointment to a post are for the employer to decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. It is the employer who is best suited to decide the requirements a candidate must possess according to the needs of the employer and the nature of work. The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being on a par with the essential eligibility by an interpretive rewriting of the advertisement. Questions of equivalence will also fall outside the domain of judicial review. If the language of the advertisement and the rules are clear, the court cannot sit in judgment over the same. If there is an ambiguity in the advertisement or it is contrary to any rules or law

⁴ Emphasis supplied.

⁵ (2019) 6 SCC 362.



the matter has to go back to the appointing authority after appropriate orders, to proceed in accordance with law. In no case can the court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same.”

18. On this reasoning, the Supreme Court reversed the view of the High Court, which had interfered with the employer's determination of eligibility.

19. The Division Bench decision of this Court in *Dilip Kumar v. The Govt of NCT of Delhi & Ors.* [W.P.(C) 4505/2021, decided on 07.07.2022], also lays down the same principle in the following terms:

“25. Moreover, this Court would not act as an Appellate Authority and substitute its own opinion, insofar as the selection for the post of Commissioner (Persons with Disabilities) is concerned. The Competent Authority as well as the experts comprising the Search and Selection Committee who are competent to decide the eligibility and suitability of an incumbent for the purposes of the post of Commissioner (Persons with Disabilities) have carried out the exercise and selected respondent No.4. The experience also, which is stipulated, has to be examined and evaluated by the Search and Selection Committee alone, since the parameters of eligibility conditions are best known to the experts.”

20. Viewed from this perspective, I do not find the petitioner's case to meet the high standard required for the interference of the writ Court. The qualifications stipulated in the Advertisement refer to experience in mechanical erection at site in the areas of pressure parts/Heavy equipment installations/material handling systems/Steam Turbines/Steam Generator in major infrastructure projects like Thermal/Hydro/Nuclear power projects/ Refinery/ Fertilizers/Petro chemicals/ Steel /Cement. The Advertisement also reveals that the respondent is an integrated energy company with a presence across the entire value chain of the power generation business. In contrast, the experience certificate submitted by



the petitioner records his employment as a Junior Technical Assistant in the Civil Engineering Department of his erstwhile employer- Konkan Railways. During this period (2016-2024), he worked on the Udhampur–Srinagar–Baramulla Rail Link Project and was engaged in planning, execution, and supervision of heavy structural steel bridges. The respondent has taken the position that such experience does not correspond to experience in the defined infrastructure projects.

21. Mr. Singh submits that infrastructure projects involving the construction of bridges also entail the use of steel, which is one of the listed sectors. However, Mr. Pradhan contends that, while the construction of a bridge may involve components such as steel or cement, such work does not fulfill the requirement of experience in a steel project.

22. I am of the view that the respondent's decision cannot be said to be so arbitrary or unreasonable as to warrant interference by the writ Court. The petitioner's experience was in the construction of bridges, whereas the experience stipulated in the Advertisement was in specific infrastructure sectors, which the petitioner cannot be said to have possessed.

23. The other aspect referred to in the respondent's affidavit is that, upon examining the benefits received by the petitioner from his previous employer, the respondent concluded that he had been granted accommodation and messing allowances applicable to a non-executive. On that basis, the respondent determined that the petitioner was working in a non-executive position, rather than in an executive position, as required by the Advertisement. In view of my conclusion regarding the



2025:DHC:7990



nature of the petitioner's experience, I do not consider it necessary to examine this aspect of the matter.

24. In these circumstances, I am unable to come to the assistance of the petitioner in this writ petition. The writ petition is, accordingly, dismissed.

PRATEEK JALAN, J

SEPTEMBER 9, 2025

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