



WEB COPY

WA No. 397 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

**WA No. 397 of 2026
and CMP.No.3643 of 2026**

1. NLC India Limited
Represented by its
Chairman and Managing Director
Neyveli, Cuddalore District – 607 801
2. The Deputy General Manager (HR) / RECTT
NLC India Ltd., Cuddalore office
Block -1, Neyveli
Cuddalore District – 607 101

..Appellants

Vs

Vignesh

..Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to
set aside the order passed in WP.No.14267 of 2025 dated 08.12.2025.

For Appellants : Mr.N.Nithianandam

For Respondents : Mr.S.Sathia Chandran

JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra-court appeal has been directed against the order passed by the
Writ Court dated 08.12.2025 in W.P.No.14267 of 2025.



2. That the respondent was the writ petitioner. He is a qualified Engineer as he graduated Bachelor of Engineering in Civil Engineer at National Institute of Technology, Tiruchirappalli [in short, NIT], where he successfully completed his B.E course in the year 2015. He belongs to the Scheduled Tribe community (Hindu, Paniyan community). With that qualification, he already joined in some private companies as Project Engineer, Quality Engineer and Site Engineer at various capacities and had been working from the year 2015 till date, thereby he gained substantial on site and practical experience. While that being so, a notification was published by the second appellant on 05.07.2023 for filling up 20 vacancies to the post of Executive Engineer (Civil) [E4 Grade] under Civil [Mines].

3. As per the notification, such 20 vacancies reserved as follows: UR - 8, EWS 1, OBC – 5 SC – 4 and ST -2.

4. Since the petitioner was possessing all the qualifications as required under the notification, he also made an application online for the post of Executive Engineer (Civil) [E4 Grade] and thereafter, he received a call letter cum admit card for screening test, which was conducted on 24.02.2024. He appeared for the screening test, which was conducted in writing on the appointed date and he performed well.



5. Thereafter, a short listing was made, where his name was placed at S.No.47 and for document verification, he was called for, which was held on 26.02.2024 followed by an interview on 27.02.2024.

6. After completing all these selection formalities, the provisional list was published on 29.02.2024, whereby, 20 candidates were declared provisionally selected for the post of Executive Engineer (Civil) [E4 Grade]. However, in the list though two scheduled tribe candidates were notified, the name of the respondent/writ petitioner was not found.

7. Subsequently, since one of the selected candidates in the ST category did not join duty as the respondent/writ petitioner stood as first candidate in the wait list, his name was called for consideration and therefore, the second appellant issued a provisional offer of appointment letter on 23.08.2024 to the respondent/writ petitioner for the said post of Executive Engineer (Civil) [E4 Grade].

8. Thereafter, the final or confirmation appointment letter should have been issued, before which, it was stated that the community certificate for claiming ST status was sent for verification, therefore there was a delay in passing the final confirmation order of appointment.



9. When that being the position, all of a sudden, there was a communication that was issued on 20.03.2025 informing the respondent/writ petitioner that the offer of appointment made to him was withdrawn by cancelling his candidature with immediate effect on the ground that there were some discrepancies in the information furnished by the petitioner in his application dated 25.07.2023.

10. Only at that juncture, challenging the said order, the respondent/writ petitioner filed the aforesaid writ petition seeking to quash the order passed by the appellant department on 20.03.2025 cancelling the provisional appointment offer.

11. The learned Writ Court having heard the writ petition was pleased to allow the same by passing the impugned order dated 08.12.2025.

12. Assailing the same, Mr.N.Nithianandam, learned Standing Counsel appearing for the appellant i.e., NLC has submitted that insofar as the experience certificate, which had been produced as the experience was one of the required qualification apart from the educational qualification to hold the post of that Executive Engineer (Civil) [E4 Grade], the certificate issued by the employer of the respondent/writ petitioner having been verified, it was found that, at some point of time, the employer had sent the petitioner to some of the



end user companies by way of deputation on contract basis, therefore, the end user companies were verified by the NLC as to whether the respondent/writ petitioner was also one of the employees worked in contract or deputation made by the employer of the writ petitioner and for such an enquiry, it was revealed by those end user company that there was no such data available with them.

13. Therefore, the NLC has come to the conclusion that since there has been no data available, that means there is no data denoting that the petitioner was one of the employees even though deputed by his principal employer had been engaged in a contract employment or contract worker undertaken by the end user company during the relevant point of time as certified by the principal employer since had not been made available, it shows that he never worked in that company, therefore, the very certificate of experience given by the principal employer of the respondent/writ petitioner can only be considered to be a bogus one or a fraudulent one.

14. When that being the position, since a fraudulent or bogus experience certificate having been produced by the respondent/writ petitioner and on that strength, if any offer of appointment even provisionally had been given by the NLC, the same was liable to be withdrawn. Accordingly, the same was withdrawn through the order passed by the NLC dated 20.03.2025. However these aspects having not been considered by the Writ Court in proper



perspective, thereby since the writ petition was allowed erroneously through the impugned order, it requires interference at the hands of the Division Bench, the learned Standing Counsel submitted.

15. We have heard Mr.S.Sathia Chandran, learned counsel appearing for the respondent, who stood as a caveator in this appeal.

16. We have gone through the notification issued by the NLC, where it has been stated that what will be the educational qualification and experience for the applicant, who make an application to seek appointment to the post of Executive Engineer (Civil) [E4 Grade], for which alone the respondent/writ petitioner made application. It is further to be noted that in the said notification, there is a clause called clause 17.0, which reads thus:

“17.0 It is mandatory that eligible candidate shall go through the full text of the advertisement and agreed to all the conditions given while applying for the post”.

17. Therefore, the conditions imposed by the employer in the advertisement or the notification with regard to the educational qualification, experience, procedure for selection etc., are binding both the employer as well as the applicant, who made application pursuant to the notifications. It is a settled legal position, as umpteen number of judgments had come from the Law



Courts that the conditions imposed by the employer in the notifications inviting applications for selection and appointment to the public employment is binding both the parties and those conditions is mandatory to be executed by both the parties and the same cannot be violated by either of the parties.

18. It is also a settled proposition that once a notification is issued, based on which the process of selection is started, it is in the nature of starting the game and during the midstream of the game no rule of the game can be changed. Like that, during the mid process of the selection, no rule or regulation that has been made in the notification can be changed by the employer.

19. When that being the position, we do not find any condition imposed in the notification to state that the employer will have a right to verify the end user company or organization in the case of the applicant, who produced the certificate of experience from the principal employer claimed to have been deputed or claimed to have been sent as a contract employee to complete the contract taken from the end user company during the relevant point of time to verify whether those employees i.e., applicants, who claimed to be the employer of the principal employer, who gave certificate as experience had also worked during the relevant point of time in end user company or not.



20. In order to verify the same, whether the documents or data available in the end user company also can be sought for by the NLC and after verification of those documents alone, the genuinity of the experience certificate issued by the Principal employer could be accepted by the NLC.

21. These kind of conditions never been imposed by the NLC in the notification.

22. Even if such a condition is imposed that cannot be accepted as a legally acceptable conditions to be imposed by an employer in giving notification seeking applications from the open market for public recruitment.

23. When that being the position, on what basis the NLC has gone to the extent of verifying the data from the end user company, where the end user company has not stated anything finally that this employee has not worked with them as a contract employee, as such a data or document cannot be produced by an end user company for the simple reason that since the applicant was only working as a contract employee, who had been sent to the end user company to complete a contract during the particular project or particular point of time. Such kind of role to be maintained only by the principal employer as from whom only the salary and other prerequisites are being paid to the employees of the principal company.



24. When that being the position, the experience certificate given by the principal employer alone shall be taken into account as the same having been verified by the NLC and they got confirmation from the principal employer, who gave the certificate, they would state that the certificate issued by the company in respect of the respondent/writ petitioner is a genuine one and the respondent/writ petitioner had gained experience under various fields, where he had been entrusted to work like dealing with National Thermal Power Corporation, Ramagundam Power Station and other stations, where these kind of works had been dealt with by the principal employer company by way of contractual employment.

25. When that being the position, absolutely there has been no reason to state that the experience certificate produced by the respondent/writ petitioner is to be construed as an ingenuine one or a bogus one.

26. This issue in fact has been considered by the learned Single Judge in paragraph 7 of the impugned order, which is extracted hereunder for ready reference:

“7.The facts of the present case are not in dispute. It is an admitted fact that the petitioner was provisionally selected for the post of Executive Engineer (Civil) in [E4 Grade]. It is equally undisputed fact that the Provisional Offer of Appointment was issued in favour of the petitioner. Thereafter, when the second



respondent sought verification with the petitioner's previous employers, namely M/s.Standard Rehabilitators Private Limited and H20 Engineering Technologies, both employers confirmed that the details furnished by the petitioner were true and correct. On the basis of the certificates issued by them, the petitioner was declared as successful candidate. Subsequently, when the second respondent sought further verification with the end-users namely, Kutch Thermal Power Plant (KTPP) & Sikka Thermal Power Plant (STPP), they stated in their letters that the data of deputation sent by M/s.Standard Rehabilitators Private Limited and H20 Engineering & Technologies regarding the petitioner was not available with them. However, the mere non-availability of such data cannot be construed to mean that the petitioner's employment with M/s.Standard Rehabilitators Private Limited and H20 Engineering & Technologies is invalid. When the employers, M/s.Standard Rehabilitators Private Limited and H20 Engineering & Technologies, have verified and certified that the documents issued in favour of the petitioner are genuine, the same cannot be disregarded on the basis of the information provided by the end-users. Hence, the impugned order passed by the second respondent calls for interference by this Court and is liable to be set aside."

27. We are in complete agreement with the said discussions and what has been held by the learned Judge in the said impugned order especially in paragraph 7 to reject the plea raised by the present appellant, who stood as respondent/employer before the Writ Court.



28. As the experience as well as the educational qualification as prescribed by the employer during the notification since has been fulfilled by the respondent/writ petitioner in all respects and based on which, after testifying their calibre only since the provisional appointment order was issued, the same ought not have been withdrawn as has been done by the appellant/NLC through the order dated 20.03.2025.

29. Therefore, there was every justification on the part of the Writ Court to set aside the order and allowing the writ petition through the impugned order. Hence, the present appeal does not have any merits to consider, therefore, it is liable to be dismissed and accordingly, it is dismissed.

30. In that view of the matter, there shall be a direction to the appellant NLC to issue final offer of appointment to the respondent/writ petitioner within a period of two weeks from the date of receipt of a copy of this order.

31. On receipt of such offer of appointment order, the respondent/writ petitioner shall immediately report duty before the appellant employer forthwith within a maximum period of 7 days.



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AND
SHAMIM AHMED, J.**

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With these directions, this writ appeal is dismissed. However, there shall be no order as to costs. Connected miscellaneous petition is closed.

**(R.S.K.,J.) (S.S.A.,J.)
26-02-2026**

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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