



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**
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CWP-7890-2026 (O&M)
Date of decision: 16.03.2026

Mohit
.....Petitioner
Versus
The Punjab State Power Corporation Limited and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Daksh Uppal, Advocate
for the petitioner.

Mr. Sandeep Singh Sangwan, Advocate
for the respondents/PSPCL.

HARPREET SINGH BRAR J. (Oral)

1. The petitioner has approached this Court by filing the present writ petition under Articles 226/227 of the Constitution of India seeking the issuance of a writ in the nature of *Certiorari* for quashing the Advertisement No. CRA-310/24 dated 21.08.2024 (Annexure P-9) issued by the respondent/PSPCL, insofar as it restricts the recruitment of Assistant Engineer/OT (Electrical) solely on the basis of GATE-2024 marks and for quashing the speaking order dated 14.02.2025 (Annexure P-15). Further a writ of *mandamus* has been sought, directing the respondents to consider the eligibility of the petitioner for the said post based on his GATE-2022 score.
2. The facts, as pleaded in the writ petition, are that the petitioner completed his matriculation in the year 2013 from J.N. High School, Bhiwani and he, thereafter, underwent electrician training in the



year 2015. Subsequently, he obtained a Diploma in Mechanical Engineering in the year 2018 and thereafter, completed his B.Tech. in Electrical Engineering in the year 2021. The petitioner also qualified the GATE-2022 examination which, according to him, remained valid till 31.05.2025. The respondent/Corporation issued Advertisement No.CRA-310/24 dated 21.08.2024 inviting applications for filling up 100 posts of Assistant Engineer (OT) Electrical. As per the advertisement, the candidates possessing valid GATE-2024 scores were eligible to apply. The petitioner applied for the said post but his candidature was reflected in the list of ineligible candidates on the ground that he had not applied on the basis of GATE-2024. Aggrieved by the said action, the petitioner submitted a representation dated 29.09.2024 with the respondent/Coropration and when the same was not decided, he approached this Court by filing CWP-32385-2024 which was disposed of on 02.12.2024 with a direction to the respondents to decide the representation of the petitioner by passing a reasoned and speaking order. Thereafter, the respondents passed the impugned speaking order dated 14.02.2025 rejecting the claim of the petitioner. Hence, this writ petition.

3. Learned counsel for the petitioner, *inter alia*, contends that the impugned advertisement restricting eligibility to candidates possessing GATE-2024 scores is contrary to the statutory provisions contained in the Punjab State Electricity Board Service of Engineers (Electrical) Regulations, 1965 which prescribe the method of



recruitment to the post of Assistant Engineer. The said Regulations mandate recruitment through a written test followed by an interview and do not prescribe the qualification of a particular year of GATE examination. He further submits that the petitioner possessed a valid GATE-2022 score which, as per the norms of the GATE authority, remained valid up to 31.05.2025 and, therefore, the action of the respondents in declaring him ineligible is arbitrary. Learned counsel for the petitioner further contends that the impugned resolution dated 25.11.2013 (Annexure P-2), on the basis of which recruitment is being conducted through GATE scores, is itself illegal and unenforceable inasmuch as the same has neither been framed nor notified in accordance with the statutory mandate contained under Section 79 of the Indian Electricity (Supply) Act, 1948 and Section 181 of the Electricity Act, 2003, which require that such regulations must be duly framed and notified in the Official Gazette to acquire statutory force. The impugned speaking order dated 14.02.2025 is non-speaking, mechanical and passed without due application of mind.

4. Learned counsel for the petitioner further submits that the action of the respondents in restricting the eligibility only to candidates possessing GATE-2024 score is contrary to the governing statutory regulations and, therefore, liable to be set-aside. In support of the said contention, reliance has been placed upon the judgment of the Hon'ble Supreme Court in *Ashish Kumar vs State of Uttar Pradesh, 2018 (3) SCC 55*, wherein it has been observed that the recruitment process must



strictly conform to the statutory rules governing the field and the eligibility conditions cannot be altered or modified by executive instructions or administrative decisions in a manner which runs contrary to the governing rules. It was further observed that where statutory rules prescribe the manner of recruitment or the qualifications for a post, the same cannot be diluted or overridden through executive action.

5. *Per contra*, Mr. Sandeep Singh Sangwan, Advocate has put in appearance on behalf of respondents and filed his Power of Attorney, which is taken on record. The Registry is directed to tag the same at appropriate place.

6. Learned counsel for the respondents submits that the respondent/Corporation is fully competent to prescribe the eligibility criteria and selection procedure for recruitment to its posts. The advertisement clearly stipulated that only candidates possessing valid GATE-2024 scores would be eligible for consideration and, therefore, the petitioner, who admittedly did not possess the said qualification, cannot claim any vested right to participate in the selection process. He further submits that once the terms of the advertisement were clear and unambiguous, the petitioner, having applied with full knowledge of the same, cannot challenge the recruitment process after being declared ineligible.

7. Learned counsel for the respondents further submits that the contention raised by the petitioner regarding the illegality of the resolution dated 25.11.2013 (Annexure P-2) is misplaced. He submits



that the said resolution only reflects the administrative decision of the Corporation to consider GATE scores for recruitment to the post in question. It is not a statutory regulation and, therefore, does not require notification under Section 79 of the Indian Electricity (Supply) Act, 1948 or Section 181 of the Electricity Act, 2003.

8. Learned counsel for the respondents relies upon the judgment rendered by this Court in **CWP-23723-2011**, titled as ***Rakesh Kumar Sharma and others vs. Punjab State Transmission Corporation Limited and others***, decided on **14.11.2014** and submits that the respondent/Corporation is competent to regulate the recruitment process and prescribe the criteria for selection and such policy decisions taken by the employer cannot ordinarily be interfered with in exercise of writ jurisdiction unless shown to be arbitrary or contrary to statutory provisions. He further submits that the impugned speaking order dated 14.02.2025 (Annexure P-15) has been passed after due consideration of the petitioner's representation and does not call for interference by this Court.

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

10. The primary grievance raised by the petitioner is that the resolution dated 25.11.2013 (Annexure P-2), prescribing consideration of GATE scores for recruitment to the post of Assistant Engineer, is illegal and unenforceable as the same has not been notified in accordance with Section 79 of the Indian Electricity (Supply) Act, 1948



and Section 181 of the Electricity Act, 2003. However, the said contention cannot be accepted.

11. A candidate who knowingly participates in a selection process with full knowledge of the procedure, criteria, or the terms of the advertisement governing it cannot subsequently challenge the same merely because the outcome is unfavourable. Participation in the process without protest amounts to acquiescence and the candidate is deemed to have waived the right to question the methodology or procedure adopted for selection. The underlying rationale is that a person cannot be permitted to approbate and reprobate by first accepting the rules of the game and taking a chance of success, and thereafter, upon being declared unsuccessful, turn around to assail the very process to which he had willingly subjected himself. Having availed the opportunity to compete and taken the chance of selection, such a candidate is precluded from challenging the process merely because the result has not been favourable. Permitting such challenges would undermine the finality and certainty of selection processes and encourage speculative litigation by unsuccessful candidates. Consequently, once a candidate has taken part in the examination or interview without demur, he is ordinarily estopped from questioning the validity of the selection process on grounds which were known or available to him at the time of participation.



12. Recently a Two Judge Bench of the Hon'ble Supreme Court in *Mohit Kumar v. State of U.P. 2025 SCC Online SC 1125*, while speaking through Justice Dipankar Datta observed that:

“19. It is no longer res integra that terms of an advertisement issued in connection with a selection process are normally not open to challenge unless the challenge is founded on the ground of breach of Article 16 of the Constitution or, for that matter, Article 14. Once an advertisement is issued inviting applications for public employment, it is the responsibility, nay duty, of an aspirant to read and note the terms and understand what its requirements are. If any aspirant finds any of the terms ambiguous and there is scope for an inquiry inbuilt in the advertisement or is provided by any rule/regulation, an effort ought to be first made to obtain clarity for understanding the requirements accurately. If no such scope is available, nothing prevents the aspirant from seeking clarity by making a representation. Should such clarity be not provided, the aspirant may participate in the process without prejudice to his rights and may question the term even after he is not selected. However, if the aspirant does not make any such effort and takes a calculated chance of selection based on his own understanding of the disputed term in the advertisement and later, he emerges unsuccessful, ordinarily, it would not be open to him to challenge the selection on the ground that the disputed term is capable of being understood differently. In such cases, the courts should be loath to entertain such plea of ambiguity while preferring to accept the recruiting authority's understanding of the said term. This is for the simple reason that the recruiting



authority is the best judge of what its requirements are and it is such understanding of the recruiting authority that would matter most in cases brought up before the courts; hence, after commencement of the process wherein aspirants have participated without raising any demur as to what a particular terms means, even if any of the terms be ambiguous, the courts should lean in favour of the recruiting authority.”

13. A Two Judge Bench of the Hon’ble Apex Court in ***Rekha Sharma vs. The Rajasthan High Court, Jodhpur & anr. 2024 INSC 615***, speaking through Justice Bela M. Trivedi observed that:

“16. As well settled, the candidates who consciously took part in the process of selection cannot be permitted to question the advertisement or the methodology adopted by the respondents for making selection, on their having been declared as unsuccessful in the Preliminary Examinations. The appellants after they having found that their names do not appear in the list of successful candidates of Preliminary Examination, could not have questioned the result on the ground that the respondents had not declared the cut off marks for the Persons with benchmark disabilities. As stated earlier, the respondents have declared the cut off marks for the persons falling under Compartmentalised Horizontal Reservation and not for the Overall Horizontal Reservation under which the appellants fall. Such action could neither be said to be arbitrary nor violative of Article 14, 16 and 21 of the Constitution of India.”

14. This principle has been repeatedly affirmed by the Hon’ble Apex Court in a catena of decisions including ***Ranjan Kumar vs. State***



of Bihar & Ors. (2014) 16 SCC 187, Madras Institute of Development Studies & Anr. vs. Dr. K. Sivasubramaniyan & Ors. (2016) 1 SCC 454, Union of India and Others v. S. Vinodh Kumar and Others (2007) 8 SCC 100, Sadananda Halo and Others v. Momtaz Ali Sheikhand Others (2008) 4 SCC 619, State of Uttar Pradesh vs. Karunesh Kumar and Others 2022 SCC OnLine SC 1706.

15. Moreover, the operative part of the judgment rendered by this Court in ***Rakesh Kumar Sharma's case (supra)*** reads as under:-

30. The Act, 1948 having been repealed by the Act, 2003, the reliance by learned counsel for the petitioners on Section 79 of the 1948 Act is misplaced. So, the contention of the Ld. Counsel that the regulations can be amended only through a notification under Section 79 of the 1948 Act cannot be accepted. It has to be held that the respondents No.1 and 2 are Government companies and can regulate and amend the existing service regulations through resolutions of their Board of Directors.

16. In the present case, the decision of the respondent/Corporation to consider the GATE scores as the basis for recruitment to the post of Assistant Engineer is clearly a matter of policy intended to ensure merit-based selection. The petitioner has failed to demonstrate that the said decision is arbitrary, discriminatory or violative of any statutory provision. Merely because the petitioner possesses a GATE score of an earlier year would not confer any vested right to seek consideration contrary to the terms of the advertisement. Even otherwise, it is well settled that a candidate who participates in a

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recruitment process with knowledge of the prescribed eligibility conditions cannot subsequently challenge the same after being declared ineligible.

17. In view of the above discussion and the law laid down by this Court in *Rakesh Kumar’s case (supra)*, this Court finds no ground to interfere in the impugned action of the respondents.

18. Consequently, the writ petition is dismissed.

(HARPREET SINGH BRAR)
JUDGE

16.03.2026

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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No