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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-9823-2023  
DECIDED ON:06.03.2026

SHIV RAJ

.....PETITIONER(S)

VERSUS

NATIONAL INSTITUTE OF TECHNOLOGY AND OTHERS

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Bhupinder Malik, Advocate with  
for the petitioner(s)

Ms. Nitesh Kant Goyal, Advocate and  
Mr. A.S. Virk, Advocate for the respondents

SANDEEP MOUDGIL, J (ORAL)

**Prayer**

1. Prayer in the present petition is for quashing the order dated 03.04.2023 (P-21), vide which promotion case of the petitioner was declined on the ground that due to no relevant experience in the holding analogous post i.e. necessary for the promotion to the post of Technical Assistant SG-I (Computer Engineering Department).

**The Conspectus of Facts**

2. The petitioner, an employee of a government-funded technical institute, has served in various technical positions since his initial appointment in 1990 and has earned promotions over time, eventually being designated as Senior Technical Assistant following restructuring. Despite long service and requisite qualifications, he has not received any substantive promotion since 2008. The

institute introduced revised recruitment rules in 2019 and conducted promotion processes in 2020 and again in 2023. In the earlier process, although the petitioner qualified the skill test, he fell short in the final selection.

3. In 2023, the petitioner submitted an application for promotion to the post of Technical Assistant SG-I in the Computer Engineering Department, stating that he met the prescribed eligibility criteria. His candidature was subsequently rejected on the ground that he did not possess experience in a relevant discipline in an analogous post. The record indicates that the requirement of such experience was applied in assessing his eligibility. The petitioner has a background in Electronics and Communication Engineering and has previously worked in the Computer Engineering Department. It is also noted that no other candidate was found eligible for the post at the relevant time.

4. Aggrieved by the rejection and alleging arbitrariness, inconsistency in application of rules, and denial of fair consideration, the petitioner has approached the Court seeking quashing of the impugned order and consideration for promotion.

**Contentions**

**On behalf of the petitioner**

5. Learned counsel for the petitioner submits that the impugned action of the respondents in rejecting the candidature of the petitioner for promotion to the post of Technical Assistant SG-I is wholly arbitrary and contrary to the prescribed Recruitment Rules, 2019. It is argued that the only eligibility condition for promotion, as per the applicable rules, is completion of two years of regular service as Technical Assistant SG-II along with satisfactory performance, and there is no requirement of possessing experience in a “relevant discipline” or holding an “analogous post” for promotion.

6. It is further contended that the petitioner possesses the requisite educational qualifications, including M.Sc. (Computer Science) and MCA, and has also previously worked in the Computer Engineering Department for several years. Therefore, the finding that he lacks relevant discipline experience is factually incorrect and unsustainable. The counsel emphasizes that Electronics and Communication Engineering and Computer Engineering are inter-disciplinary in nature, which has been acknowledged by the respondents themselves in earlier proceedings, and thus, the experience gained by the petitioner in one department cannot be disregarded for the purpose of promotion in the other.

7. Learned counsel also argues that the post in question is a 100% promotional post and the petitioner, being the only eligible candidate, ought to have been fairly considered. The denial of opportunity on an extraneous ground has resulted in violation of Articles 14 and 16 of the Constitution of India. It is further submitted that the respondents failed to conduct Departmental Promotion Committees regularly, thereby causing stagnation in the petitioner's career, and such inaction is arbitrary and prejudicial. On these grounds, it is prayed that the impugned order be quashed and the petitioner be considered for promotion in accordance with law.

**On behalf of the respondents**

8. Learned arguing counsel for the respondent is not available. Therefore, this Court has gone through the written statement itself. The stand taken by the respondent-University is that petitioner is not eligible for the post of Technical Assistant SG-I in the Computer Engineering Department as he did not have the relevant discipline experience in holding analogous post. Reliance has been placed on a letter No.Gen-1/3772/1299 dated 03.04.2023. the relevant extract of the written statement are reproduced as under:

*“9. That the contents of Para No.9 of the petition are not denied being matter of record. The petitioner was not eligible for the post of Technical Assistant SG-I in the Computer Engineering Department as he did not have the relevant discipline experience in the holding analogous post. Hence, he was accordingly informed vide letter No. Gen-1/3772/1299. dated 3.04.2023. It is worth mentioning here he is working in ECE Department since 2008 till date and therefore did not possess the 02 years' relevant discipline experience against the post of Technical Assistant SG-I in Computer Engineering Department.*

*10. That in reply to the contents of Para No. 10 the Petition is wrong and denied. The eligibility for promotion is determined as per recruitment rules As the applicable to any particular post/cadre. petitioner does not possess the required 02 years' experience discipline, relevant the in his candidature was not considered for promotion to the post of Technical Assistant Engineering Department. SG-I (Computer Engineering Department).”*

**Analysis**

9. The core issue which arises for consideration is whether the respondents were justified in rejecting the candidature of the petitioner on the ground of “lack of relevant discipline experience in holding analogous post,” despite such a condition not being prescribed under the applicable Recruitment Rules, 2019.

10. It is an admitted position that the Recruitment Rules governing the promotion to the post of Technical Assistant SG-I prescribe only the following eligibility condition: minimum two years' regular service as Technical Assistant SG-II along with performance record, test, and interview. There is no requirement of “relevant discipline experience” or “holding an analogous post” in the context of promotion. The said condition, as rightly contended by the petitioner, is

applicable only in cases of deputation. As per Recruitment Rules the requisite qualification for Technical Assistant (Selection Grade I) is as under:

**Educational Qualification:**

*First Class or equivalent Grade in BE/B.Tech/MCA in relevant subject from a recognised University/Institute.*

OR

*First Class Diploma in Engineering in relevant field with excellent academic record*

OR

*First Class Bachelor's degree in Science from a recognized University or Institute.*

OR

*Master's degree in Science from a recognized University or Institute with at least 50% marks or equivalent grade.*

**for Promotion:**

*At least two years regular service as Technical Assistant (SG-II) in PB-2, GP 4800/- through DPC and working performance record (APAR), through prescribed test and interview.*

11. The law is well settled that eligibility conditions cannot be supplemented or altered by administrative instructions. In ***Dr. M.C. Gupta & Ors. v. Dr. Arun Kumar Gupta & Ors., (1979)2 SCC 339***, the Supreme Court held that recruitment rules are binding and cannot be deviated from arbitrarily and in case of deviation from the same, the Court is duty bound to interfere, while holding that,

*"When selection is made by the Commission aided and advised by experts having technical experience and high academic qualifications in the specialist field, probing teaching/research experience in technical subjects, the Courts should be slow to interfere with the opinion expressed by experts unless there are allegations of mala fides against them. It would normally be prudent and safe for the courts to leave the decision of academic matters to experts who are more familiar with the problems they face than the courts generally can be. Undoubtedly, even such a body if it were to contravene rules and regulations binding upon it the court in exercise of extraordinary*

*jurisdiction to enforce rule of law, may interfere in a writ petition under Article 226."*

12. Further, the impugned action of the respondents violates the principle of fairness in administrative action. Arbitrariness has been held to be antithetical to equality under Article 14. The rejection of the petitioner on a ground not disclosed in the notification amounts to arbitrariness and denial of equal opportunity.

13. It is an admitted fact that the petitioner possessed the requisite qualification and experience but the respondents have illegally gone to examine the case of the petitioner as that of deputation, which is evident as such qualification is required when claiming promotion through the channel of deputation, on the basis of which his case has been declined under Clause 11 of the Recruitment Rules, 2019 itself, which is reproduced as under:

**11. Deputation (including short term contract):**

**Experience**

- i) holding analogous post; or
- ii) 2 years regular service with Grade Pay of Rs.4800/- as Technical Assistant (SG-II) or its equivalent post.

14. Thus, the plea of the respondents regarding failure of "holding analogous post" is wholly misconceived as the concept is applicable to deputation and not on promotion, through which channel the present petitioner is claiming promotion.

15. In view of the above discussion, this Court is of the considered opinion that the impugned order dated 03.04.2023 (Annexure P-21) is arbitrary and contrary to the Recruitment Rules, 2019.

**Conclusion**

16. Consequently, the present writ petition is **allowed**. The impugned order dated 03.04.2023 (Annexure P-21) is set aside, and the petitioner is held

entitled and eligible for promotion to the post of Senior Technical Assistant Grade-I (Computer Engineering Department) as per the governing rules.

17. The respondents are directed to consider the candidature of the petitioner for grant of promotion and in case found eligible, he shall be granted promotion w.e.f. the date of promotion of promotees with respect to other posts along with all consequential benefits. The said exercise shall be completed within a period of 3 months from the date of receipt of a certified copy of this order.

18. Accordingly, the present writ petition is allowed.

19. Pending application(s), if any, stand disposed off.

06.03.2026  
Meenu

(SANDEEP MOUDGIL)  
JUDGE

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