



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

257

CWP-31244-2025.

Date of Decision: 25.03.2026.

Inderaj

....Petitioner.

VERSUS

Uttar Haryana Bijli Vitran Nigam Limited and others

....Respondents.

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Viren Nehra, Advocate for the petitioner.

Mr. Sukhdeep Singh Parmar, Advocate and
Mr. R.K. Chaudhary, Advocate for respondent No.1.

HARPREET SINGH BRAR, J. (Oral)

Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for quashing the impugned order dated 09.02.2024 (Annexure P- 7), vide which the provisional appointment letter issued to petitioner on the post of Shift Attendant has been cancelled. Further, a writ of mandamus has been sought, directing the respondents to issue appointment letter to the petitioner on the post of Shift Attendant as his roll number finds mentioned in the list of selected candidates in pursuance to the result declared on 05.02.2024 (Annexure P-6), along all with consequential benefits. In the alternative, the appointment letter be issued to petitioner on the post of Plant Attendant Electrician or Technician Electrician as the petitioner has more marks than the last selected candidates in his category with all consequential benefits. It is

further prayed that during the pendency of the present writ petition, one post of Shift Attendant in BCA Category be kept reserved for the petitioner, in the interest of justice.

2. On 17.10.2025, the following order was passed by this Court:-

“Prayer in this writ petition filed under Articles 226/227 of the Constitution of India, is for issuance of a writ in the nature of certiorari, for quashing the impugned order dated 09.02.2024 (Annexure P- 7), vide which the provisional appointment letter issued to petitioner on the post of Shift Attendant has been cancelled. Further, a writ of mandamus has been sought, directing the respondents to issue appointment letter to the petitioner on the post of Shift Attendant as his roll number finds mentioned in the list of selected candidates in pursuance to the result declared on 05.02.2024 (Annexure P-6), along all with consequential benefits. In the alternative, the appointment letter be issued to petitioner on the post of Plant Attendant Electrician or Technician Electrician as the petitioner has more marks than the last selected candidates in his category with all consequential benefits. It is further prayed that during the pendency of the present writ petition, one post of Shift Attendant in BCA Category be kept reserved for the petitioner, in the interest of justice.

*Learned counsel for the petitioner, inter alia, contends that the petitioner’s higher qualification marks makes him eligible for the post in terms of the government instructions dated 25.03.2016 (Annexure P-10). Further the issue involved in the present petition is squarely covered by the decision of this Court in **CWP-7612-2024** titled as **Parmod Kumar and others vs State of Haryana and others**, decided on 21.05.2025. Learned counsel for the petitioner further submits that the terms of the advertisement cannot be altered in mid process.*

Notice of motion.

Mr. Vikrant Pamboo, Advocate who is present in the Court accepts notice on behalf of the respondents and seeks time to file reply.

Learned counsel for the petitioner is directed to supply a copy of paperbook to counsel opposite during course of the day.

Adjourned to 12.03.2026.

In the meantime, one post of Shift Attendant in BCA Category shall be kept reserved for the petitioner.

Reply, if any, be filed in the Registry of this Court with advance copy to counsel opposite.”

3. Learned counsel for respondent No.1 submits that the petitioner's name was recommended by respondent No.2-Commission and he was selected in the result dated 05.02.2024, but he did not possess 60% marks as per the requested eligibility criteria. As such, the offer of appointment was cancelled on 09.02.2024. He relies upon the requisition Annexure R-1/1, which clearly indicates that the eligible candidates are required to have two years ITI Course in Electrician/Electronics/Wireman trade or Lineman and Electrician (Maintenance & Repair of Electrical and Domestic Appliances) from VEI (Vocational Educational Institute) with a minimum 60% marks in respect of General category & other categories candidates and 55% marks of SC category candidates of Haryana domicile. As such, the mere recommendation of respondent No.2-Commission would not bind the respondent No.1-employer to offer appointment letter to the petitioner in the absence of minimum benchmark of 60% marks.

4. Further, learned counsel for respondent No.1 is not in a position to dispute the fact that the petitioner possess a diploma in Electrical Engineering, a higher qualification than the minimum prescribed.

5. Having heard learned counsel for the parties and after perusal of the record, it transpires that the petitioner participated in the selection process for the post of Shift Attendant. A provisional appointment letter was issued to the petitioner, but was subsequently cancelled on 09.02.2024 (Annexure P-7). Further, there is no denial to the fact that the petitioner obtained 69% marks, which is above the cut-off for the Shift Attendant (67.825) in his BCA category. His marks were also above the cut-off for other posts like Plant Attendant Electrician and Technical Electrician. The petitioner also possesses a higher qualification of having diploma in Electrical Engineering (Annexure

P-5), than the minimum prescribed. The instructions dated 25.03.2016 (Annexure P-10) explicitly provides that a candidate with the higher qualification in the same line should be considered eligible. Further, the essential qualifications as set out in the requisition (Annexure R-1/1) are as under:-

- (a) *Matric with 2 years ITI course in Electrician/Electronics/ Wireman trade or Lineman & Electrician (Maintenance & Repair of Electrical and Domestic Appliances) from VEI (Vocational Educational Institute) with a minimum 60% marks in respect of General category & other categories candidates and 55% marks of SC category candidates of Haryana domicile.*
- (b) *Must have passed Hindi/Sanskrit upto Matric standard.”*

Perusal of the same clearly indicates that the word ‘or’ is used while defining the essential qualification in the requisition itself. As such, the natural meaning of the expression ‘or’ would mean that the eligible candidate is required to possess as either of the two qualifications as set out in the requisition.

6. Learned counsel for respondent-Corporation is not in a position to distinguish the case of the petitioner from the petitioners in **Parmod Kumar**’s (supra), in which their appointment was withdrawn on the ground that they were not having the requisite qualification with 60% marks and this Court has considered the issue raised in the present case and following was observed:-

“7. The entire controversy revolves around reading of Regulation 1.2 of Recruitment and Promotion Policy of Non-Gazetted Technical Staff. For the ready reference, the said Regulation as notified by notification dated 31.03.2008 is reproduced as below-

“NOTIFICATION

31 March, 2008

No. 34/RECT-5/Vol-II in exercise of power conferred under Clause-C of Section-79 of the Electricity (Supply) Act, 1948 read with Haryana Electricity Reforms Act, 1997 and all other enabling powers in this behalf,

the Dakshin Haryana Bijli Vitran Nigam hereby makes the following amendments/ additions/ deletions in Regulation 1.2 of Recruitment and Promotion Policy of Non-Gazetted Technical Staff (as applicable to DHBVN) notified vide erstwhile HSEB Notification No.27/REG-119 dated 10.10.1988 read with Notification No 60/REG-137 dated 14.03.1990, No. 163/REG-119 dated 09.04.1993, No.32/REG-14/SE/Admn. dated 20. 04.04. No.47/REG-14 dated 12.01.06, No.78/REG14/GM/Admn, dated 20.10.2006.

1.2 Assistant Lineman

1.2.1 97% posts of ALM will be filled up by direct recruitment from amongst the persons having minimum qualification of Matric with 2 years ITI Electrician/Wireman trade or having 2 years Vocational course under the trade of Lineman conducted by Director, ITI and Vocational Education, Haryana from any institute recognized by the State Govt. Must have passed Hindi/Sanskrit up to Matric standard.

1.2.2 3% posts of ALM will filled up from amongst the workmates, APD, Mali, Sweeper, Cleaner, Chowkidar and Sewerman and Tech. Grade-II, Helper Grade-1 and officials working on other equivalent posts in Workshop Organization having 2 years experience in DHBVN on technical posts. Beside the officials having minimum qualification as mentioned in Regulation 1.2.1 above and having 2 years experience in DHBVN will also be eligible for the promotion of ALM.

Note: -

1. The age limit for direct recruitment of Assistant Lineman will be from 18 to 35 years.
2. Such directly recruited ALMs shall remain on probation for 2 years in regular pay scale of ALM, of which one year will be training. The Competent Authority may terminate the services of ALM without notice and without assigning any reason, if his work and conduct during the probation period is not found satisfactory.
3. The officials who will be promoted as ALM from workmates, APD, Mali, Sweeper, Cleaner, Chowkidar and Sewerman will not claim any right of seniority over those ALMs who have already promoted/appointment. However, the seniority of the officials promoted from Workshop Organization will be determined from the date of their joining/promotion in the Nigam.
4. The Seniority of ALMs will be maintained on Circle basis. The above notification supersedes all previous orders/ instructions issued by erstwhile HSEB/Nigam from time to time in this regard. This issues in pursuance of the decision taken by the Board of Directors of DHBVN in their meeting held on 20.02.2008.”

[Emphasis Supplied]

8. The said Regulation was amended by notification dated 25.08.2017. The amended Regulation reads as under:-

1.2 Assistant Linemen:-

1.2.1 97% posts of Assistant Lineman (ALM) will be filled up by direct recruitment from amongst the persons who passes the following qualification:-

- (a) Matric with 02 years ITI course in Electrician/ Wireman trade or

having 02 years Vocational Course under the trade Lineman or Electrician (Maintenance & Repair of Electrical and Domestic Appliances) conducted by Director, Industrial Training & Vocational Educational Haryana) or National Apprenticeship Certificate awarded under the Apprenticeship Act 1961 from any Institute with a minimum 60% marks in respect of General/other category candidates and 55% marks of SC category candidates of Haryana domicile recognized by State Govt.

(b) Must have passed Hindi/Sanskrit upto Matric standard.

(c) Computer Eligibility Test would be conducted.

Provided that these posts may be filled-up through outsourcing purely on contractual basis, against sanctioned vacant posts, through contractor/ service provider, by calling NIT through open bidding; without sending requisitions to the Employment Exchange or advertisement in the Newspapers, for a period not exceeding one year at a time or till the regular selected candidates are appointed, whichever is earlier.

[Emphasis supplied]

9. The advertisement in question was issued on 20.03.2022. The Regulation 1.2 was initially amended by notification dated 31.03.2008 and it was later on amended by notification dated 25.08.2017. The notification dated 25.08.2017 was in force at the time of advertisement in question, thus, said notification was applicable and needs to be examined. The aforesaid Regulation was further amended by notification dated 02.07.2024. The Regulation 1.2 as amended by notification dated 02.07.2024 is reproduced as below:-

“1.2 Assistant Linemen:-

1.2.1 97% posts of Assistant Lineman (ALM) will be filled up by direct recruitment from amongst the persons who passes the following qualification:-

(i) (a) Matric with 02 years ITI course in Electrician/Wireman trade duly recognized by National Council for Vocational Education and Training (NCVET)/State Council for Technical Education & Vocational Training (SCTEVT) with a minimum 60% (no rounding-off) marks in respect of General Category/other Category Candidates and 55% (no rounding-off) marks of SC category candidates of Haryana domicile only;

or

(b) Lineman & Electrician (Maintenance & Repair) from VEI (Vocational Educational Institute) with a minimum 60% (no rounding off) marks in respect of General Category/other Category Candidates and 55% (no rounding-off) marks of SC category candidates of Haryana domicile only;

or

(c) Full-Time 2 years National Skills Qualification Framework (NSQF) level-4 in Electrician/Wireman/Electrician Power Distribution trade in engineering duly recognized by NCVET/ SCTEVT with a minimum 60% (no rounding-off) marks in respect of General Category/other Category Candidates and 55% (no rounding-off) marks of SC category candidates of Haryana domicile only;

or

(d) Two years of Senior Secondary Vocational Course in Electrical Technology conducted by CBSE with minimum 60% (no rounding off)

marks in respect of General Category/other Category Candidates and 55% (no rounding off) marks of SC category candidates of Haryana domicile only;

OR

(ii) Full Time Diploma in

Electrical Engineering/

Electrical & Electronics (Power System)/

Electrical & Instrumentation Engineering/

Electrical & Power Engineering/

Electrical Energy Systems/

Electrical Engineering (Instrumentation and Control)/

Electrical Engineering (Electronics and Power)/

Electrical Power Systems/

Electrical & Electronics Engineering/

Power Systems Engineering

with a minimum 55% (no rounding-off) marks in respect of General Category/other Category Candidates and 50% (no rounding-off) marks of SC category candidates of Haryana domicile subject to the candidate acquired the qualification in the same line as prescribed in the minimum qualification in terms of State Government, Haryana instructions dated 16.06.1979 reiterated vide instruction dated 25.03.2016, as amended from time to time;

OR

iii) Full Time Degree

in Electrical Engineering/

Electrical and Electronics (Power System)/

Electrical and Electronics Engineering/

Electrical and Instrumentation Engineering/

Electrical Instrumentation and Control Engineering/

Electrical Engineering (Electronics and Power)/

Electrical Power Engineering/Electrical, Electronics and Power Engineering/

Electrical and Power Engineering

with a minimum 50% (no rounding-off) marks in respect of General Category/ other Category Candidates and 45% (no rounding-off) marks of SC category candidates of Haryana domicile subject to the candidate acquired the qualification in the same line as prescribed in the minimum qualification in terms of State Government, Haryana instructions dated 16.06.1979 reiterated vide instruction dated 25.03.2016, as amended from time to time.”

10. From the perusal of notification dated 31.03.2008, it is evident that there was no requirement of qualification with 60% marks. The condition of 60% marks was inserted by notification dated 25.08.2017. In the notification dated 31.03.2008, the National Apprenticeship Certificate awarded under 1961 Act was not one of the qualifications. The said qualification was inserted by notification dated 25.08.2017. In brief, the following expression was inserted in notification of 2018:-

“or National Apprenticeship Certificate awarded under the Apprenticeship Act-1961 from any Institute with a minimum 60% marks in respect of General/ other category candidates and 55% marks of SC category candidates of Haryana domicile recognized by State Govt.”

11. From the perusal of notification dated 25.08.2017, it is evident that a candidate is required to possess any one of the following qualifications-

(a) *Matric with 2 years ITI course in Electrician/Electronics/Wireman trade or;*

(b) *2 years vocational course under the trade Lineman or Electrician (Maintenance & Repair of Electrical and Domestic Appliances) conducted by Director, Industrial Training & Vocational Educational Haryana or (Vocational Educational institute) or;*

(c) *National Apprenticeship Certificate awarded under 1961 Act from any Institute.*

12. *There is no dispute with respect to the fact that petitioners are possessing one qualification out of the three mentioned hereinabove. There is dispute qua 60% marks. The respondent is claiming that condition of 60% marks is applicable to all the three qualifications, meaning thereby, a candidate having qualification of matric with 2 years ITI course in Electrician is also required to have 60% marks like a candidate having National Apprenticeship Certificate.*

Opinion of the respondent seems to be misplaced. From the perusal of notification dated 31.03.2008, it is evident that there was no condition of 60% marks for the qualifications mentioned hereinabove. The qualification of National Apprenticeship Certificate was inserted by notification dated 25.08.2017 and while inserting said qualification, condition of 60% marks was added. Said condition of 60% marks cannot be read with the other qualifications because every qualification is preceded by expression 'or'. In a peculiar situation, conjunction 'or' may be read as 'and', however, in the present case, there seems no reason to read conjunction 'or' as 'and'. The language of the notifications is unambiguous. It is settled proposition of law that if language of a statutory provision is clear and unambiguous, there should be plain reading. Courts are not supposed to look into intention or reasons of amendment. Natural meaning should be assigned to the provisions. No Court has right to add or subtract any word or expression in the statutory provisions. It is job of the Legislature. If contention of respondent is conceded to, it would amount to addition of condition of 60% marks with all the qualifications prescribed in the notification. The respondent by notification dated 02.07.2024 has made it clear that condition of 60% would be applicable to all the prescribed qualifications. There was something missing or there was some confusion on the part of respondent which competent authority has dispelled by way of notification dated 02.07.2024. The said notification is not having retrospective effect. If notification dated 25.08.2017 is read in the manner as claimed by respondent, it would amount to retrospective amendment of notification dated 25.08.2017 by notification dated 02.07.2024.

13. *The respondents are claiming that petitioners by relying upon notifications dated 25.08.2017 and 02.07.2024 have attempted to make out a new case. The said argument cannot be countenanced because petitioners are claiming that their candidature has been rejected on the ground of lacking 60% marks in the prescribed qualification. The matter has to be examined in the light of notification in force. It is a pure question of law and interpretation of statutory provisions. Court is bound to decide issues in the light of notifications in force. During the relevant period, notification dated 25.08.2017 was in force, thus, matter needs to be decided in the light of said notification.*

14. *In CWP-21097-2024, Mr. Sandeep Kumar, learned counsel for the petitioners submits that there are 46 petitioners. Petitioner No.17 had applied for the post of Shift Attendant and all others have applied for the post of Assistant Lineman. The petitioner No.17 has been wrongly made party in the petition. He may be allowed to withdraw petition qua petitioner No.17 with liberty to file afresh with better particulars, if so advised."*

7. In view of the above, the instant petition is disposed of with a direction to respondent No.1 to consider the claim of the petitioner in the light of the aforesaid observations within a period of four weeks from the date of receipt of certified copy of this order. Further, it is made clear that the date of joining of the petitioner shall be his date of appointment for all intents and purposes. He shall not be entitled to notional service benefits. It is further made clear that this order would not affect service career of all those candidates who have already joined service prior to the petitioner.

8. Pending application, if any, also stands disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

25.03.2026
jitender

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