

(2011) 09 SHI CK 0268
In the High Court Of Himachal Pradesh
Case No : L.P.A. No. 354 of 2011

H.P. State Electricity Board

APPELLANT

Vs

Sudesh Kumari Sharma and Others

RESPONDENT

Date of Decision : 02-09-2011

Acts Referred:

Citation : (2011) 09 SHI CK 0268

Hon'ble Judges : Kurian Joseph, C.J; Surinder Singh, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Kurian Joseph, C.J.

CMP (M) No. 1242 of 2011

1. The application is allowed and delay in filing the appeal is condoned. The application stands disposed of.

LPA No. 354 of 2011

2. The Respondent-Electricity Board in the writ petition has come up in appeal. The matter pertains to the appointment of Junior Engineers in the service quota. The Board took the stand that the degrees possessed by the Petitioners were not recognized in view of the public notice issued by the AICTE. In the public notice, the AICTE made it clear that the degrees in Engineering and certain other courses obtained from Distance Education are not recognized by it. Learned single Judge having referred to the files has rendered a finding that the Institutions from where the writ Petitioners have obtained the degrees had been recognized by the UGC-AICTE-DEC.

3. As far as the qualification is concerned, the inservice candidates were required to possess the degree in Electrical Engineering or its equivalent from the recognized Universities/Institutions with one year service in the post of Junior Engineer (Electrical). Therefore, the Junior Engineers having obtained the

degrees from the recognized Institutions with one year service as Junior Engineers (Electrical) will get a claim to be considered for promotion to the posts of Assistant Engineers, of course subject to the availability of the quota at the relevant time.

4. According to the writ Petitioners, there were sufficient vacancies in the cadre of Assistant Engineers for promotion in view of the 8% seats reserved and earmarked for them at that time when they had obtained this qualification and experience. Learned standing Counsel for the Board apprehends that the direction issued by the Learned single Judge to consider the case of the writ Petitioners for promotion as Assistant Engineers from the date of their obtaining Bachelor Engineering Degree with all consequential benefits may have the effect overlooking the quota. We do not find any basis for such an apprehension. Anyhow, in view of the apprehension expressed by the Learned standing Counsel for the Board, we make it clear that consideration of the case of the writ Petitioners for promotion as Assistant Engineers will only be subject to the availability of vacancies in the quota at the time when the writ Petitioners obtained the degrees and with experience of one year as J.E.

5. With the above observations, the appeal stands disposed of, so also the pending application(s) and caveat petition.