
(1999) 04 P&H CK 0085
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 3647 of 1998

Joginder Singh

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 22-04-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 122 PLR 493

Hon'ble Judges : Harjit Singh Bedi, J

Bench : Single Bench

Advocate : Kirti Kumar, for the Appellant; Ajay Jain, for the Respondent

Final Decision : Allowed

Judgement

Harjit Singh Bedi, J.—This judgment shall dispose of C.W.P. No. 3647 of 1998 and C.W.P. No. 3648 of 1998. The facts have been taken from the first cited case.

2. The petitioner passed his Matriculation Examination from Haryana Board of School Education in the year 1973. He was employed as a Laboratory Attendant in the Department of Electrical Engineering of the Regional Engineering College, Kurukshetra, on 10th October, 1990. As the petitioner believed himself to be eligible, he filed an application before respondent No. 3, the Principal of the I.T.I. Karnal, on 23rd October, 1997 to appear in the I.T.I. Examination in the trade of wireman/electrician. The petitioner's candidature was, however, not accepted on the ground that he did not have the requisite technical qualification and his experience as a Laboratory Attendant was not relevant for the trade of wire man/electrician. The petitioner has accordingly approached this Court by way of the present writ petition.

3. On notice of motion, a reply has been filed on behalf of the respondents and it has been pleaded that though the petitioner had the requisite experience of five years as per the criteria for eligibility, yet he was lacking the technical qualification inasmuch as that he did not have the requisite experience in the

trade of wire man/electrician which made him eligible to take the test. In this connection, the respondents have placed reliance on Annexure R-1, the proceedings of the meeting of the Technical Committee held on 29.6.1998 with regard to the petitioner's case, in which it had been decided that a "candidate(s) such as the petitioner would be eligible if he had been working on similar jobs and had experience of the same type and that his work and experience should cover the syllabi of the trade for which the applicant wanted to appear in the examination."

4. Mr. Kirti Kumar, the learned counsel for the petitioner, has raised only two arguments in the course of the hearing. He has urged that the decision of the technical Committee was erroneous inasmuch as that it did not take into consideration the varied nature of the qualifications that were available to a candidate in order to seek eligibility. In this connection he has referred to Annexure P-3 the Agenda for the Meeting of the National Council for Vocational Training that had been held on 26th April, 1991, in which it had been decided [under Item No. 3 (ii)] that "Sponsored candidates having 5 years industrial/technical experience working in ITI's may be allowed to appear as private candidates in the relevant/allied/similar trade under CTS as private candidates." He has accordingly urged that the petitioner who had admittedly been working as a Laboratory Attendant in the Electrical Engineering Department of the Regional Engineering College, Kurukshetra may not have had [at the worst] the experience of a similar trade but it could not be said that the petitioner did not have the experience of an allied trade. It has accordingly been urged that the petitioner was entitled to seek admission on the basis of his qualification.

5. In addition, it has been argued that in the experience certificate dated October 17, 1996, issued by the Chairman of the Electrical Engineering Department of the Regional Engineering College Kurukshetra, which has been produced today in Court, it had been clearly stated that the petitioner had been working in the Electrical Maintenance Section as an electrician and his services had been utilised for wiring work in the Computer Electronics and Control Laboratories.

6. Mr. Ajay Jain, the learned counsel appearing for the respondents has, however, controverted the petitioner's stand and relied upon the averments made in the written statement.

7. After hearing the learned counsel for the parties, I am of the opinion that this petition deserves to succeed. As would be evident from Sub-para (ii) of Annexure P-3 quoted above, a candidate seeking admission as a private candidate in a particular trade was not necessarily required to have the qualification pertaining to a similar trade, but could have experience of an allied trade as well. The petitioner, who had been working as a Laboratory Attendant in the department of Electrical Engineering, could, therefore, be said to be employed in an allied trade even if the certificate dated 17th October, 1996 showing him as having experience in the trade of electrical wiring, I find that the aforesaid certificate did show the petitioner as employed in a similar trade as the certificate had been

issued by no less a person than the Chairman of the Department of Electrical Engineering of the Regional Engineering College, Kurukshetra. This certificate clearly shows that the petitioner had the requisite experience in wiring work for Computer/Power Electronics and Control Labs.

8. On 27th April, 1998, this Court had been informed that the petitioner had been given provisional admission to the examination in question.

9. Mr. Kirti Kumar now states at the Bar that the petitioner had since taken and cleared the examination as well. In the light of what has been held above, it is apparent that the respondents were not justified in declining admission to the petitioner to take the examination in question.

10. This petition is accordingly allowed, the order Annexure R-1 is quashed and it is directed that the petitioner's result, that has already been declared, will be deemed to have been regularised. There will be no order as to costs.