
(2020) 12 SHI CK 0075

In the High Court Of Himachal Pradesh

Case No : Civil Writ Petition No. 5812 Of 2020

Mandeep Singh

APPELLANT

Vs

HPSEB & Others

RESPONDENT

Date of Decision : 16-12-2020

Acts Referred:

Citation : (2020) 12 SHI CK 0075

Hon'ble Judges : L. Narayana Swamy, CJ;Anoop Chitkara, J

Bench : Division Bench

Advocate : Kuldeep Singh Chandel, Vikrant Thakur

Final Decision : Disposed Of

Judgement

Anoop Chitkara, J

1. Notice. Mr. Vikrant Thakur, Advocate appears and waives service on behalf of the respondents.

2. The petitioner, who was not called for interview for the post of T-mate and Junior Helper in Sub-Station of HPSEB on the ground that his OBC

certificate had expired in terms of the requirement of the Board, has come up before this Court seeking permission that the Electricity Board may consider his candidature for the said post.

3. Learned counsel for the petitioner has drawn our attention to an order passed by a co-ordinate Bench of this Court in CWP No.5691 of 2020 titled

Amit Kumar Vs. HPSEB and others, wherein a similarly placed person was permitted to appear in interview.

4. Mr. Vikrant Thakur, learned counsel for the respondent, on instructions, states that interviews were scheduled for 9th, 10th and 11th December,

2020 and now, Interview Board stands absolved and it is over. He further

submits that the petitioner-Amit Kumar in CWP No.5691 of 2020 had approached the Court, when interviews were still going on and that is why, he was permitted to appear. He also states, on instructions, that it is not the petitioner alone, whose certificate has been rejected being expired, but there are around 7000 candidates, whose applications were found defective on the similar grounds. Mr. Vikrant Thakur further contends that if the petitioner is permitted, then it would be opening a Pandora's box.

5. Learned counsel for the petitioner has also drawn our attention to a judgment of Hon'ble Supreme Court in 2020(3) SCC 108, titled Karnataka

State Seeds Development Corporation Limited and another Vs. H.L Kaveri and other decided on 21.1.2020, wherein Hon'ble Supreme Court

held as follows:-

(11) Under its advertisement dated 11th November 2013, it was specifically indicated that separate application should be submitted for each post

accompanied with various requirements including qualification, experience, etc. and incomplete application, if any, is liable for rejection without

assigning any reason. Xxx xxx xxx

[14] In the given circumstances, we do not find any error being committed by the Corporation in its decision making process while rejecting the

application of the 1st respondent for non-fulfilment of the necessary experience certificate which was to be enclosed along with the application as

required in terms of the advertisement dated 11th November, 2013.

6. We have considered the matter in the light of the arguments as well as the law laid down by the Hon'ble Supreme Court.

7. Given the fact that no interviews are taking place, as such, this Court refrains from directing the respondent to constitute a fresh Board, which was

taking the interviews. However, if for any reason, the Electricity Board constitutes the interview Board again, then they shall also permit the petitioner

to participate in the interview and shall communicate to them about such date.

8. The petitioner is at liberty to approach this Court again, in case he still feels aggrieved and dis-satisfied.

9. Accordingly, this petition stands disposed of along with pending application(s), if any.

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