
(2024) 06 SHI CK 0036
In the High Court Of Himachal Pradesh
Case No : CWP No. 5123 of 2022

Upinder Kumar

APPELLANT

Vs

State of HP and others

RESPONDENT

Date of Decision : 20-06-2024

Acts Referred:

Citation : (2024) 06 SHI CK 0036

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Chandranarayana?Singh, Sumit Sharma

Judgement

Ajay Mohan Goel, J

Heard for some time.

The grievance of the petitioner is that Diploma in Electrical Engineering obtained by him from the Institute of Advanced Studies in Education Deemed University Gandhi Vidya Mandir, Sardarshahr (Rajasthan), is not being considered by the respondents for the purpose of promotion to the post of Junior Engineer by assigning the reason that the said Diploma of the petitioner is not from a recognized Institute, whereas, as per the petitioner, person with similar Diploma, from the same Institute, has been promoted against the post of Junior Engineer.

Learned Counsel for the petitioner has referred to communication dated 21.05.2022, appended with the petition as (Annexure P-12), addressed by the Principal Secretary (PW), Government of Himachal Pradesh to the Engineer-in-Chief, H.P. Public Works Department, to substantiate this fact. A perusal of said communication demonstrates that one Sh. Ram Krishan also obtained the similar Diploma from the same Institute. Whereas Sh. Ram Krishan took admission in the regular course in the first year, the present petitioner took admission as a lateral entry in the second year of the Diploma course on the strength of the ITI Diploma which he had earlier obtained in the Trade of Electrician.

Incidentally, the rejection of the case of the petitioner in terms of Annexure P-13 is on the ground that the petitioner does not possess regular full time three year Diploma in Electrical or Electronics Engineering, whereas in terms of the reply that has been filed, the stand apparently is that because the Diploma was obtained by the petitioner through Distance Mode, therefore, the same cannot be considered for conferring promotion upon the petitioner.

Learned Counsel for the petitioner submits that even the Diploma obtained by Sh. Ram Krishan was through the Distance Mode.

In this view of the matter, learned Deputy Advocate General is directed to have instructions that if Ram Krishan and the petitioner are similarly situated, then, why similar treatment cannot be meted out to the petitioner as was meted out to Sh. Ram Krishan, without treating the same to be a precedent. Let instructions be obtained within a period of two weeks.

List on 09.07.2024.