



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1) CWP-10347-2021(O&M)

Sunil Kumar and others

.....Petitioners

VERSUS

Punjab State Transmission Corporation Limited

..Respondent

2) CWP-10810-2021(O&M)

Sanjay Kumar and others

.....Petitioners

VERSUS

The Punjab State Transmission Corporation Limited

..Respondent

3) CWP-11038-2021(O&M)

Palwinder Singh and others

.....Petitioners

VERSUS

The Punjab State Transmission Corporation Limited

..Respondent

2026:PHHC:009640



Reserved on: 12.01.2026
Pronounced on:22.01.2026
Uploaded on:22.01.2026

Whether only the operative part of the judgment is pronounced? No
Whether full judgment is pronounced? Yes

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. D.S.Patwalia, Sr. Advocate with Mr. Ayush Gupta, Advocate for the petitioner No.5 in CWP-10347-2021, for petitioners No.6, 8 and 14 in CWP-11038-2021 and for petitioners No.6 and 14 in CWP-10810-2021.

Mr. Aman Sharma, Mr.Chirag Suri, Ms. Sital Sharma and Mr. Pavandeep Kaur, Advocate for petitioner No.8 in CWP-10810-2021, for petitioner No.7 in CWP-11038-2021 and for petitioner No.6 in CWP-10347-2021.

Mr. Vikas Chatrath, Sr. Advocate with Ms. Haridhi Aggarwal, Advocate for respondent(s)-PSTCL.

HARPREET SINGH BRAR, J.

1. This judgment shall dispose of all the above mentioned writ petitions as they arise from a similar factual matrix and pose a common question of law. However, for the sake of brevity, the facts are taken from CWP-10347-2021.

2. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the advertisement no.CRA-11/2021 dated 18.05.2021 (Annexure P-1) issued by the respondent-PSTCL to the extent of infringement upon the right of the petitioners to apply and be considered for recruitment to the post of Assistant Lineman (ALM) and Assistant Sub-Station Attendant (ASSA),



respectively. A further prayer is made for issuance of writ in the nature of *mandamus* seeking directions to the respondent-PSTCL to permit the petitioners holding a degree or diploma in engineering to apply and be considered for recruitment to the said posts.

FACTUAL BACKGROUND

3. An advertisement bearing no.CRA-11/2021 dated 18.05.2021 (Annexure P-1) was issued by respondent-PSTCL for recruitment to 350 posts of Assistant Lineman (ALM) and 150 posts of Assistant Sub-Station Attendant (ASSA) The essential eligibility qualifications prescribed therein included a Full Time regular ITI certificate in Electrical/Wireman Trade from a recognised institution. The petitioners attempted to apply to the said posts online but were unsuccessful since the portal did not allow them to enter degree/diploma in Engineering as a qualification without selecting the option for 02-year ITI certificate. Hence, the present writ petition.

CONTENTIONS

4. Learned Senior counsel for the petitioner(s) submitted that the petitioners cannot be excluded from the zone of consideration for possessing a higher qualification in the same field. It is settled law that prescription of a minimum qualification cannot have the effect of excluding a candidate possessing a higher qualification. Reliance in this regard was placed on the judgments rendered by the Hon'ble Supreme Court in *Zahoor Ahmad Rather and others vs. Sheikh Imtiyaz Ahmad and others (2019) 2 SCC 404*, *Jyoti K.K. and others vs. Kerala Public Service Commission and others (2010) 15 SCC 596* and a Full Bench of this Court in *Manjit Singh*



vs. State of Punjab and others 2010(3) SCT 703. Learned Senior counsel also referred to the judgment rendered by a Coordinate Bench in *Jagdish Prasad and another vs. Uttari Haryana Bijli Vitran Nigam Ltd. and others* in *CWP-14779-2007* decided on 19.08.2009 wherein appointment as of a candidate as ALM was challenged on the ground that he possessed a diploma in Electrical Engineering instead of the prescribed qualification of a two-year vocational course or ITI certification in the Electrician/Wireman trade. It was held therein that higher qualification (diploma in Electrical Engineering) presupposes the acquisition of the lower qualification (ITI certificate), which was affirmed by the Division Bench in *LPA-121-2010*. Since the petitioner hold a higher qualification in the same line of work as compared to the prescribed ITI certification, their exclusion from the zone of consideration is illegal, arbitrary and violative of their rights under Articles 14 and 16 of the Constitution of India. Reliance is also placed on a recent judgments rendered by the Hon'ble Supreme Court in *Chandra Shekhar Singh and others vs. The State of Jharkhand and others* in *Civil Appeal No.10389 of 2024* decided on 20.03.2025 and a Coordinate Bench of this Court in *Gyanender Rawal and others vs. State of Haryana* in *CWP-2793-2022* decided on 08.07.2025.

5. *Per contra*, learned Senior counsel for the respondent contended that it is settled law that it is the prerogative of the employer to lay down an eligibility criterion as it alone can best judge suitability of a candidate for the advertised role. The advertisement (Annexure P-1) provides an unambiguous eligibility criterion, which the petitioners do not



satisfy. Moreover, nowhere in the said advertisement has it been mentioned that the equivalent of ITI certification or a qualification higher than the same would also be considered for appointment. Therefore, since no right to claim consideration is vested in the petitioners, they cannot challenge the eligibility criteria for want of *locus standi*, in view of the judgment rendered by the Hon'ble Supreme Court in *State of Punjab vs. Anita 2014(4) SCT 699* and *Distt. Collector and Chairman Vizianagaram (Social Welfare Residential School Society) and another vs. M. Tripura Sundari Devi (1990) 3 SCC 655*. Moreover, the Hon'ble Supreme Court in *Official Liquidator vs. Dayanand (2008) 10 SCC 1* has held that possessing a higher qualification than the one prescribed need not necessarily be treated as fulfilling the latter.

6. Further, this Court in *Som Dutt vs. State of Haryana and others* in *CWP-2231-1983* decide on 25.11.1983 had opined that a higher qualification may not make a candidate better suited to the needs of the post. As such, since the prerequisites are clearly stated in the advertisement (supra), the respondent-PSTCL being the employer can insist on strict adherence to the same. Learned Senior counsel also placed reliance on the judgment in *Zahoor Ahmad Rather (supra)* to submit that in the absence of a Rule that explicitly that acquisition of a higher qualification would presuppose acquisition of a lower qualification, an inference to this effect cannot be made. Further still, the petitioners have not challenged the vires of the advertisement (supra) on the ground of omission of a clause pertaining to grant of equivalence to higher qualifications which begs the inference that



they are satisfied with the contents of same. As such, no relief can be granted to them in terms of the judgment rendered by the Hon'ble Supreme Court in *Prakash Chand Meena vs. State of Rajasthan (2015) 8 SCC 484* and a Division Bench of this Court in *Dhani Ram vs. State of Haryana and others 2005 (1) SCT 571*.

OBSERVATION AND ANALYSIS

7. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the respondent-PSPCL had issued an advertisement dated 18.05.2021 (Annexure P-1) inviting applications for recruitment to the posts of ALM and ASSA. The following eligibility criteria were laid down in this regard:

“1.0 The pay scale and details of these posts are given below:

Sr. No.	POST CODE	Name of Post (No. of posts)	No. of Posts	Required Qualifications and Experience	Pay Scale
2	23	Assistant Lineman (A.L.M.)	350 No.	Punjabi pass of matriculation or its equivalent level and Full Time regular ITI in Electrician/Wireman Trade from a recognized Institution.	xxx”
3	63	Assistant Sub Station Attendant (ASSA)	150 No.	Punjabi pass of matriculation or its equivalent level and Full Time regular ITI in Electrician/Wireman Trade from a recognized Institution.	

8. The advertisement (Annexure P-1) clearly states that candidates are required to have a qualified a full time ITI course in the trade of



Electrician/Wireman from a recognised institution. The grievance of the petitioners is limited their exclusion on the ground of them possessing higher qualifications than that prescribed i.e. diploma/degree-holders in the field of Electrical Engineering.

- **Equivalence of qualifications**

9. The nomenclature of the courses in question i.e. ITI certification in the trade of Electrician/Wireman and diploma/degree in Electrical Engineering begs the inference that their respective prescribed syllabi must be distinct. In the absence of any Service Rule or clause in the advertisement (supra) granting equivalence to higher qualifications, it cannot be *prima facie* inferred that the higher qualification necessarily equips a candidate with the knowledge a vocation-oriented course aims at providing. A two-Judge bench of the Hon'ble Supreme Court in ***Devender Bhaskar and others vs. State of Haryana and others 2022 (1) SCT51***, has opined that the Courts cannot expand the ambit of the prescribed qualifications, nor can they decide on matters pertaining to equivalence of academic qualifications. Speaking through Justice S. Abdul Nazeer, the following was observed:

“21. In Mohammad Shujat Ali & Ors. v. Union of India & Ors (1975) 3 SCC 76, it was held that the question regarding equivalence of educational qualifications is a technical question based on proper assessment and evaluation of the relevant academic standards and practical attainments of such qualifications. It was further held that where the decision of the Government is based on the recommendation of an expert body, then the Court, uninformed of relevant data and unaided by technical insights necessary for the purpose of determining equivalence, would not lightly disturb the decision of the Government unless it is based on extraneous or irrelevant considerations or actuated mala fides or is irrational and



perverse or manifestly wrong.

22. *In J. Ranga Swamy v. Government of Andhra Pradesh and Others, (1990) 1 SCC 288* this Court held that it is not for the court to consider the relevance of qualification prescribed for various posts.

23. *In State of Rajasthan & Ors. v. Lata Arun, (2002) 6 SCC 252* this Court held that the prescribed eligibility qualification for admission to a course or for recruitment to or promotion in service are matters to be considered by the appropriate authority. It was held thus:

"13. From the ratio of the decisions noted above, it is clear that the prescribed eligibility qualification for admission to a course or for recruitment to or promotion in service are matters to be considered by the appropriate authority. It is not for courts to decide whether a particular educational qualification should or should not be accepted as equivalent to the qualification prescribed by the authority."

24. *In Guru Nanak Dev University v. Sanjay Kumar Katwal & Anr., (2009) 1 SCC 610* this Court has reiterated that equivalence is a technical academic matter. It cannot be implied or assumed. Any decision of the academic body of the university relating to equivalence should be by a specific order or resolution, duly published. Dealing specifically with whether a distance education course was equivalent to the degree of MA (English) of the appellant university therein, the Court held that no material had been produced before it to show that the distance education course had been recognized as such.

25. *In Zahoor Ahmad Rather & Ors. v. Sheikh Imtiyaz Ahmad & Ors. (2019) 2 SCC 404*, it was held that the State, as an employer, is entitled to prescribe qualifications as a condition of eligibility, after taking into consideration the nature of the job, the aptitude required for efficient discharge of duties, functionality of various qualifications, course content leading up to the acquisition of various qualifications, etc. Judicial review can neither expand the ambit of the prescribed qualifications nor decide the equivalence of the prescribed qualifications with any other given qualification. Equivalence of qualification is a matter for the State, as recruiting authority, to determine."

(emphasis added)



Further, a two-Judge bench of the Hon'ble Supreme Court in ***Ganpath Singh Gangaram Sing Rajput vs. Gulbarga University (2014) 3 SCC 676***, wherein speaking through Justice C.K. Prasad, the following was observed:

“21. ...As is evident from the advertisement, applications were invited for filling up various posts in different subjects including the post of Lecturer in MCA. The advertisement requires post-graduate degree in the `relevant subject'. The relevant subject would, therefore, in the context of appointment to the post of Lecturer, mean postgraduate degree in MCA. In our opinion, for appointment to the post of Lecturer, Masters' degree in the Mathematics is not the relevant subject. The advertisement requires Masters' degree in `relevant subject' and not `appropriate subject'. In the present case, the Board of appointment has not stated that post-graduate degree in Mathematics is the relevant subject for MCA but in sum and substance it is equivalent to a post-graduate degree in MCA for the reason that Mathematics is one of the subjects taught in MCA. This, in our opinion, was beyond the power of the Board of appointment.

22. It shall not make any difference even if Mathematics is taught in the Masters' of Computer Application course. The learned Single Judge, in our opinion, gravely erred in upholding the contention of Ganpat and the University that `relevant subject' would mean `such of those subjects as are offered in the MCA course'. If Mathematics is taught in a post-graduate course in Commerce, a Masters' degree in Commerce would not be relevant for appointment in Mathematics or for that matter in MCA. There may be a situation in which Masters' degree in MCA is differently christened and such a degree may be considered relevant but it would be too much to say that a candidate having postgraduate degree in any of the subjects taught in MCA would make the holders of a Masters' degree in those subjects as holder of Masters' degree in Computer Application and, therefore, eligible for appointment. The language of the advertisement is clear and explicit and does not admit any ambiguity and, hence, it has to be given effect to. Since the appellant Ganpat did not have a Masters' degree in Computer Application, in our opinion, he was not entitled to be considered for appointment as Lecturer in MCA. We are aghast to see that when a candidate possessing Masters' degree in MCA is available, the Board of appointment had chosen an unqualified and ineligible person for



appointment in that subject. Its recommendations are, therefore, illegal and invalid. Natural corollary thereof is that the University acting on such recommendation and appointing Ganpat as Lecturer cannot be allowed to do so and that the Division Bench of the High Court was right in setting aside his appointment. In our opinion, an unqualified person cannot be appointed, whoever may be the recommendee. We are of the opinion that the Division Bench of the High Court was right in holding that Ganpat was not eligible for appointment of Lecturer in Masters' of Computer Application.”

(emphasis added)

10. Additionally, it is settled law that the employer is always the best judge to assess suitability of a candidate and lay down eligibility criteria for a particular post. As such, when the advertisement qua the same is clear and within the legal framework, this Court cannot step into the shoes of the employer or a domain expert and expand the scope of its jurisdiction under Article 226 of the Constitution of India to declare equivalence of an ITI certificate in the trade of Electrician/Wireman to diplomas/degrees in Engineering. Reliance in this regard can also be placed on the judgment rendered by a two-Judge bench of the Hon'ble Supreme Court in *Maharashtra Public Service Commission through its Secretary vs. Sandeep Shriram Warade and others (2019) 6 SCC 362*, speaking through Justice Navin Sinha, has made the following observations in this regard:

“10. The essential qualifications for appointment to a post are for the employer to decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. It is the employer who is best suited to decide the requirements a candidate must possess according to the needs of the employer and the nature of work. The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable



qualifications being at par with the essential eligibility by an interpretive re-writing of the advertisement. Questions of equivalence will also fall outside the domain of judicial review. **If the language of the advertisement and the rules are clear, the Court cannot sit in judgment over the same.** If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to proceed in accordance with law. In no case can the Court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same.”

(emphasis added)

11. Recently, a two-Judge Bench of the Hon’ble Supreme Court in ***Md. Firoz Mansuri and Ors vs. The State of Bihar and Ors., 2026 INSC 68***, has reiterated this approach and opined that the Courts cannot substitute its opinion for that of the employer. Speaking through Justice Satish Chandra Sharma, the following was observed:

“56. The Supreme Court in ***Maharashtra Public Service Commission (supra)*** reiterated that the essential qualifications for appointment to a post are for the employer to decide. **The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being at par with the essential eligibility by an interpretive re-writing of the advertisement.** **Question of equivalence will also fall outside the domain of judicial review. If the language of the advertisement and the rules are clear, the court cannot sit in judgment over the same.**

57. In ***Chief Manager, Punjab National Bank & Anr. v. Anit Kumar Das, (2021) 12 SCC 80***, this Court held that the relevancy and suitability of qualifications lie within the exclusive domain of the employer.

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59. **Therefore, it has been consistently recognised that it is for the employer to determine and decide the relevancy and suitability of qualifications. The power of judicial review in matters of recruitment is limited to examining legislative competence, arbitrariness or violation of fundamental rights, if any. Courts**



cannot rewrite service rules, determine equivalence of qualifications, or substitute their own assessment for that of the employer. The scope of judicial review in matters of public employment does not extend to questioning the State's wisdom or policy in prescribing the minimum eligibility requirements for a public post. Qualifications are prescribed keeping in view the needs and interests of an institution, an industry or an establishment, as the case may be. Similarly, equivalence of a qualification is not a matter which can be determined in exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the State, as the recruiting authority, to determine. The assessment of the expediency, advisability or utility of such prescription of qualifications do not warrant intervention of the Courts unless the same are shown to be perverse. However, at the same time, the employer cannot act arbitrarily in prescribing qualifications for posts."

(emphasis added)

12. In *Chandra Shekhar Singh (supra)*, the matter pertained to recruitment to the post of Food Safety Officer, the qualifications for which were to be prescribed by the Central Government in terms of the Food Safety and Standard Act, 2006. In the year 2022, the Central Government had amended the Food Safety and Standard Rules by granting validity to Bachelor' s degree, Master' s degree and Doctorate degree in the field of Food Technology, Dairy Technology, Biotechnology or Master' s degree in Chemistry or Degree in Medicine for the post of FSO. In *Jyoti K.K. (supra)*, the applicable Service Rules categorically provided for presupposition of a lower qualification for a candidate who hold higher qualifications. In fact, in *Zahoor Ahmad Rather(supra)*, it was specifically noted that in the absence of a rule to this effect, such an inference cannot be drawn. Further still, in *Gyanender Rawal (supra)*, the Government of Haryana had issued a



notification dated 16.06.1979 according to eligibility to candidates possessing higher qualification in the same line as prescribed in the minimum qualification. The same was also reiterated vide letter dated 25.03.2016. The said instructions were also adopted by the employer therein i.e. the UHBVNL. However, no such instruction or notification has been put forth by learned Senior counsel for the petitioner in relation to the State of Punjab or the respondent-PSTCL. Thus, the reliance placed on *Chandra Shekhar Singh (supra)*, *Jyoti K.K. (supra)*, *Gyanender Rawal (supra)* and *Jagdish Prasad (supra)* is unfounded.

- **Violation of Articles 14 and 16 of the Constitution**

13. It must be understood that Article 14 of the Constitution only proscribes unreasonable classification. In order to establish that an artificial distinction is constitutionally valid, it must be backed by an intelligible differentia i.e. have a clear criterion for grouping certain people together, and bear a rational nexus to the object it seeks to achieve. In absence thereof, such classification would be in breach of the promise of equality enshrined in Article 14 of the Constitution. Reference in this regard can also be made to the judgment rendered by a three-Judge Bench in *State of Punjab and others vs. The Senior Vocational Staff Masters Association and others 2017(4) SCT 119*, wherein speaking through Justice R.K. Agrawal, the following was opined:

“14) It is a cardinal principle of law that government has to abide by rule of law and uphold the values and principles of the Constitution. Respondents herein alleged that creating an artificial distinction between the persons in the same cadre would amount to violation of



Article 14 i.e. equality before law and hence, such an act cannot be sustained. The doctrine of equality is a dynamic and evolving concept having many dimensions. Articles 14-18 of the Constitution, besides assuring equality before the law and equal protection of the laws, also disallow discrimination which lacks the object of achieving equality, in matters of employment. It is well settled that though Article 14 forbids class legislation but it does not forbid reasonable classification. When any rule of statutory provision providing classification is assailed on the ground that it is contrary to Article 14, its validity can be sustained if it satisfies two tests, namely, that the classification was to be based on an intelligible differentia which distinguishes persons or things grouped together from the others left out of the group, and the differentia in question must have a reasonable nexus to object sought to be achieved by the rule or statutory provision in question. In other words, there must be some rational nexus between the basis of classification and the object intended to be achieved by the Statute or the Rule.” (emphasis added)

14. Moreover, Article 16 of the Constitution provides for equality of opportunity for all citizens in matters of public employment, thereby becoming an expression of the right to equality guaranteed by Article 14. On that note, if a State employer limits the zone of consideration motivated by whimsical or irrelevant considerations, such action be rendered arbitrary in nature and in violation of both Articles 14 and 16 of the Constitution. Reliance in this regard can be placed on the judgment rendered by a Constitution Bench of this Court in *E.P. Royappa vs. State of Tamil Nadu and another 1974 AIR SC 555* wherein, speaking through Justice P.N. Bhagwati, the following was opined:

“82. The last two grounds of challenge may be taken up together for consideration. Though we have formulated the third ground of challenge as a distinct and separate ground, it is really in substance and effect merely an aspect of the second ground based on violation

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of Articles 14 and 16. Article 16 embodies the fundamental guarantee that Article 14 as there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. Though enacted as a distinct and independent fundamental right because of its great importance as a principle ensuring equality of opportunity in public employment which is so vital to the building up of the new classless egalitarian society envisaged in the Constitution, Article 16 is only an instance of the application of the concept of equality enshrined in Article 14. In other words, **Article 14 is the genus while Article 16 is aspects. Article 16 gives effect to the doctrine of equality in all matters relating to public employment. The basic principle which, therefore, informs both Articles 14 and 16 is equality and inhibition against discrimination.** Now, what is the content and reach of this great equalising principle? It is a founding faith, to use the words of Bose J., "a way of life", and it must not be subjected to a narrow pedantic or lexicographic approach. We cannot countenance any attempt to truncate its all-embracing scope and meaning, for to do so would be to violate its activist magnitude. Equality is a dynamic concept with many aspects and dimensions and it cannot be "cribbed cabined and confined" within traditional and doctrinaire limits. **From a positivistic point of view, equality is antithetic to arbitrariness. In fact equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14, and if it affects any matter relating to public employment, it is also violative of Article 16. Articles 14 and 16 strike at arbitrariness in State action and ensure fairness and equality of treatment. They require that State action must be based on valid relevant principles applicable alike to all similarly situated and it must not be guided by any extraneous or irrelevant considerations because that would be denial of equality. Where the operative reason for State action, as distinguished from motive inducing from the antechamber of the mind, is not legitimate and relevant but is extraneous and outside the area of permissible considerations, it would amount to mala fide exercise of power and that is hit by Articles 14 and 16. Mala fide exercise of power and arbitrariness are different lethal radiations emanating from the same vice in fact the matter comprehends the former. Both are inhibited by Articles 14 and 16.**"



(emphasis added)

Further, a Constitution Bench of the Hon'ble Supreme Court in *Ajay Hasia vs. Khalid Mujib Sehravardi (1981) 1 SCC 722*, speaking through Justice P.N. Bhagwati, made the following observations:

*“16. ...This was again reiterated by this Court In International Airport Authority's case (1979) 3 SCR 1014) at p. 1042 (supra) of the Report. **It must therefore now be taken to be well settled that what Article 14 strikes at is arbitrariness because an action that is arbitrary, must necessarily involve negation of equality.** The doctrine of classification which is evolved by the Courts is not paraphrase of Article 14 nor is it the objective and end of that Article. It is merely a judicial formula for determining whether the legislative or executive action in question is arbitrary and therefore constituting denial of equality. If the classification is not reasonable and does not satisfy the two conditions referred to above, the impugned legislative or executive action would plainly be arbitrary and the guarantee of equality under Article 14 would be breached. **Wherever therefore there is arbitrariness in State action whether it be of the legislature or of the executive or of an "authority" under Article 12, Article 14 immediately springs into action and strikes down such State action. In fact, the concept of reasonableness and non-arbitrariness pervades the entire constitutional scheme and is a golden thread which runs through the whole of the fabric of the Constitution.**”*

(emphasis added)

15. Adverting to the matter at hand, as a State employer, empowered by Article 309 of the Constitution, the respondent-PSTCL is entitled to regulate recruitment and prescribe conditions for the same. In furtherance thereof, the respondent-PSTCL has specifically chosen to provide an eligibility criterion that limits the zone of consideration to those who possess ITI certificate in Electrical/Wireman Trade from a recognised



institution, thereby providing an intelligible differentia. A perusal of the syllabus prescribed by for the ITI course in the trade of Electrician/Wireman¹ indicates that the focus is on hands-on experience and inculcating practical knowledge pertaining to use of electrical equipment. On the other hand, diploma/degree courses, although traditionally longer and more intensive, might not guarantee to provide the same immediate and primarily practical skill set as a tradesman. Therefore, the respondent-PSTCL is justified in limiting its recruitment process to those candidates who possess the skills that specifically aid in performance of the duties of an ALM and ASSA may only be employed.

16. Notably, ITI certificate holders have a limited number of opportunities as compared to those who hold a diploma/degree in the field of Engineering. Thus, the respondent-PSTCL cannot be faulted as a State employer by taking a policy decision favouring the former, especially when diploma/degree holders are not explicitly excluded from application by virtue of their qualification. Reliance in this regard can also be placed on ***Md. Firoz Mansuri (supra)***, wherein speaking through Justice Satish Chandra Sharma, the following was held:

“62. The course structure of Diploma in Pharmacy is governed by the Education Regulations, 1991, which has been replaced by the Education Regulation, 2020. The Diploma in Pharmacy course mandates 500 hours of compulsory practical training, including 250 hours devoted to dispensing prescriptions. The 2020 Regulation has refined the scope of training, limiting it to hospital, dispensary, or

¹Government of India, Ministry Of Skill Development & Entrepreneurship, Directorate General Of Training Competency Based Curriculum for Electrician and Wireman, respectively.
https://www.estaricalcutta.gov.in/images/Electrician_CTS2.0_NSQF-4.pdf
https://www.estaricalcutta.gov.in/images/Wireman_CTS2.0_NSQF-3.pdf

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clinic-based activities. While, under the B. Pharma course Regulations, 2014, degree students are required to undergo 150 hours of practical training and they have the option to undertake the training either in a hospital/ community centre or within the pharmaceutical industry. The diplomates and graduates are trained in different subjects. Merely because there is a provision for lateral entry of diplomates in the second year of B. Pharm course, it does not render the degree an in-line higher qualification. A qualification in one stream does not presuppose a qualification in another. Furthermore, the diplomates have limited employment avenues as compared to degree holders. Thus, the decision of the State in making possession of a Diploma an essential qualification for appointment cannot be said to be arbitrary. The State has merely identified a narrower catchment of candidates it considers most suitable for a particular purpose, from within the larger pool registered pharmacists.

63. This policy rationale finds reinforcement in a decision by the Patna High Court in the case of **Bihar State Power (Holding) Company Ltd. & Ors. v. Md. Asif Hussain & Ors. in LPA No. 1416 of 2018 in Civil Writ Jurisdiction Case No. 11096 of 2018**, wherein it was held that,

“...it was a matter of policy to offer the employment only to Diploma holders who have no avenues that are available to Degree holders. The Degree holders have job opportunities on the post of Assistant Engineers, Executive Engineers and other posts which are not available to Diploma holders and they are confined only to offer themselves for the post of Junior Engineers under the scheme of the conditions of service of the appellant company. Thus, the decision to offer the post of Junior Electrical Engineer to only Diploma holders does not amount to such prohibition against Degree holders that may allow us to invoke Article 14 and 16 of the Constitution of India in favour of the Degree holders who still have other job opportunities....”

(emphasis supplied)



64. Additionally, there is no absolute exclusion of graduate or postgraduate degree holders. They remain eligible, provided they possess the essential qualification of Diploma in Pharmacy. No disproportionate harm is caused to them so as to attract Articles 14 or 16 of the Constitution.”

(emphasis added)

CONCLUSION

17. In view of the discussion above, this Court does not find the condition requiring an ITI certificate in Electrical/Wireman Trade from a recognised institution for applying to the post of ALM or ASSA, as laid down by advertisement no.CRA-11/2021 dated 18.05.2021 (Annexure P-1) issued by the respondent-PSTCL to be infringing upon the rights of the petitioners. Accordingly, all the abovementioned present petitions are dismissed.

18. Pending miscellaneous application(s), if any shall also stand disposed of.

**(HARPREET SINGH BRAR)
JUDGE**

22.01.2026

P.C

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No