

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 81 of 2013

Kuldeep Herenz

..... Petitioner

Versus

The State of Jharkhand & Others

..... Respondents

CORAM: HON'BLE MR. JUSTICE NARENDRA NATH TIWARI

For the Petitioner - Mr. J.J.Sanga
For the Respondents - Mr. S.Piprawall

3/6.5.2013 In this writ petition, the petitioner has prayed for a direction on the respondents - Jharkhand Public Service Commission, Ranchi (J.P.S.C) to take interview of the petitioner, as he has been declared successful in the written examination, conducted by the J.P.S.C pursuant to the Advertisement No. 27/2012 dated 31.3.2012 for appointment of Junior Engineers. The petitioner has further prayed for a direction on the respondents to appoint the petitioner on the post of Junior Engineer (Mechanical) in Water Resources Development Department or Drinking Water and Sanitation Department, Government of Jharkhand.

According to the petitioner, he has got Diploma in Technology (Automobile). The J.P.S.C, by its Advertisement No. 27/2012 dated 31.3.2012, invited applications from the eligible candidates for filling up the posts of Junior Engineers (Mechanical, Electrical and other branches) in Water Resources Development Department, Road Construction Department, Drinking Water and Sanitation Department and Energy Department (Government of Jharkhand). The petitioner is a member of Scheduled Tribe. He applied for the said post against Sl. Nos. 1 & 3 i.e. Water Resources Development Department and Drinking Water and Sanitation Department, in the Scheduled Tribe category. Admit Card was issued to him. He appeared in the written examination. He was declared successful in the written examination. Thereafter, he was called for interview. However, when he went for interview, he was not allowed to appear in the interview on the ground that he does not possess the required Diploma in Mechanical Engineering. It has been submitted that denial of the petitioner's interview on the said ground is wholly arbitrary and improper.

The petitioner holds Diploma in Automobile Engineering, which is a combination of Mechanical and Electrical Engineering. The B.I.T, Mesra has given certificate that 80% of the syllabus covered in Diploma in Technology (Automobile) is

Handwritten signature

same as Diploma in Technology (Mechanical) and it may be considered equivalent to Diploma in Technology (Mechanical) for academic and job purposes. On the basis of the aforesaid certificate, there was no valid ground for denial of the petitioner's interview. In view thereof, he is entitled for interview and appointment on the post of Junior Engineer, Mechanical.

The respondents have contested the petitioner's claim on the ground, inter alia, that the petitioner is Diploma in Automobile Engineering, while in the advertisement, the required eligibility for appointment of Junior Engineers (Mechanical), was Diploma in Mechanical, Civil and Electrical Engineering. The petitioner, thus, does not possess the requisite qualification and he cannot be appointed on the post of Junior Engineer, Mechanical.

I have heard learned counsel for the parties and considered the facts and materials on record. It is an admitted position that the petitioner has Diploma in Automobile Engineering, whereas the respondents required Junior Engineers, Mechanical, Civil and Electrical and in the specific term, the posts were advertised and the applications were invited from the persons, who have Diploma in Mechanical, Civil and Electrical Engineering. In view thereof, I find no arbitrariness in denial of the petitioner's interview for the post of Junior Engineer, Mechanical.

Any opinion of an Institution produced by the petitioner, cannot be imposed on the respondents, particularly, when there was specific term in the advertisement, whereby only the persons having Diploma in Mechanical, Civil and Electrical Engineering, were eligible for the said posts. ^u Direction, as sought for, cannot be given on that ground to take the petitioner's interview or to appoint him on the said post.

I find no merit in this writ petition.

This writ petition is, accordingly, dismissed.

S.K

Sd/- (Narendra Nath Tiwari, J.)
True copy
S-K
Secretary/St.P.A./D.A.
13/5/2013