

**VINOD KUMAR V/S STATE OF HARYANA AND OTHERS**

**Present:** Mr. Sajjan Singh, Advocate  
for the petitioner.

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1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* directing respondents No.1 & 2 to appoint the petitioner to the post of Junior Engineer(J.E.) (Electrical) w.e.f. the date other persons have been appointed to the above post against the advertisement No.4/2024 dated 28.06.2024 (Annexure P-1).

2. Learned counsel for the petitioner *inter alia* contends that the petitioner appeared for an exam for recruitment to the post of Junior Engineer under Ex-servicemen category. Having obtained 51.675 marks against cut off marks of 45.825 for the said category, the petitioner was declared successful, as depicted in email dated 17.10.2024 (Annexure P-8). The petitioner wrote an email to dated 29.12.2024 (Annexure P-10) to the Indian Navy requesting for issuance of necessary certificate of equivalence of the diploma completed by the petitioner during service. Vide letter dated 08.01.2025 (Annexure P-11), the Naval Pension Office informed the respondent-Nigam that individuals holding Naval Trades of CHEL (R)/CHEL(P) may be considered for the post of Junior Engineer (Electrical). Reference in this regard was placed on an office memorandum dated 26.09.2012 (Annexure P-13) titled- Equation of Trades of the Indian Armed Forces with the Civilian Occupations to facilitate Registration of Ex-servicemen for Employment Assistance through Employment Exchanges, emphasising on registering ex-servicemen in



appropriate trades in view of their experience and competence, issued by the Ministry of Labour and Employment, Government of India through the Director General of Employment and Training. Learned counsel further refers to letter dated 06.09.2019 (Annexure P-14) passed by the Ministry of Defence, Government of India to contend that trade equivalence certificate for service trades are issued to ex-servicemen by the competent authority for appointment to any vacancy in Groups C or D with respect to civil trades.

3. Learned counsel further highlights that 02 similarly situated persons have already been appointment to the post of J.E.(Electrical) with DHBVNL, a sister enterprise of the respondent-Nigam qua the same advertisement. However, the respondent-Nigam has issued a letter dated 28.04.2025 (Annexure P-15) to the Indian Navy inquiring if the certificate issued to the petitioner is equivalent to the requisite qualifications prescribed by respondent-Nigam for the post of J.E.(Electrical). The appointment letters of identically circumstanced ex-servicemen namely Azad Singh and Satyender, retired from similar jobs from the Indian Navy are available at Annexures P-16 and 17, respectively while the verification of the Naval Trade Certificate of the petitioner is available on record as Annexure P-11.

3. Notice of motion.

4. Mr. Vikrant Pamboo, Additional A.G., Haryana, Mr. Sanjeev Kaushik, Advocate and Mr. Narender Kumar Vashist, Senior Panel Counsel, put in appearance and accept notice on behalf of respondent No.1, respondent No.2 and respondents No.3 & 4, respectively.

5. Learned counsel for respondent No.2-Nigam submits that the equivalence can only be granted by the expert body under the relevant Rules. The equivalence granted by the Indian Navy cannot be considered satisfactory



in terms of the essential qualifications laid down in the advertisement(Annexure P-1) for the post of J.E.(Electrical). However, he could not controvert that two similarly situated Indian Navy ex-servicemen have been appointed in the sister-concern of the DHBVNL.

6. It goes unsaid that technical skills gained during service with the armed forces involve the most rigorous forms of training available. The precision demanded by naval operations ensures that the candidates trained in the same are able to acquire mastery over advanced technologies and perform their duties even in high pressure situations. Normally, the Courts ought not to interfere with the selection mechanisms for any employment, especially the conditions laid down regarding educational qualifications. However, the same is warranted in the present matter as it involves delay in recruitment of a well-trained ex-serviceman. The services rendered by ex-servicemen must also be honoured in a practical manner i.e. by providing them opportunities for civil employment. Further still, ex-servicemen retire from the armed forces in large numbers every year, at a comparatively younger age to their civil counterparts. However, the opportunities of their civil employment are not always proportional to the rate at which ex-servicemen are discharged. As such, it is the duty of every employer to not create any unnecessary hindrances to their rehabilitation by denying them employment opportunities under the ex-servicemen quota.

7. In that vein, if the essential qualifications laid down for recruitment to civil employment are such that they nullify the benefit of reservation provided to ex-servicemen, the whole exercise would have been in vain. Therefore, the rules must be adequately relaxed to deliver the intended benefits of the reservations made in favour of ex-serviceman. Accordingly,

Managing Director of the respondent-Nigam is directed to file an affidavit by the next date of hearing, deliberating therein:

- (i) When were the essential conditions for the post of J.E.(Electrical) implemented?
  - (ii) How many ex-servicemen have been selected to the post of J.E. (Electrical) since implementation of the said essential qualification?
8. Adjourned to 15.10.2025.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**15.09.2025**

*Neha*