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कार्यालय मुख्य अभियन्ता (हाइड्रिल)  
**उ०प्र० पावर कारपोरेशन लिमिटेड**  
(उत्तर प्रदेश सरकार का उपक्रम)  
**U.P. POWER CORPORATION LIMITED**  
(Govt. of Uttar Pradesh Undertaking)  
शक्ति भवन विस्तार, 14-अशोक मार्ग, लखनऊ।  
CIN : U32201UP1999SGC024928



संख्या: I/6311 /2025/E-7/PA-2

दिनांक: 07/03/2025

**कार्यालय-ज्ञाप**

विज्ञापन सं०- 04/विसेआ/2014 के अंतर्गत चयनित एवं तदुपरांत सेवा से निष्कासित तकनीशियन (विद्युत) के सन्दर्भ में मा० सर्वोच्च न्यायालय, नई दिल्ली में योजित मिसलेनियस एप्लीकेशन M.A. (Diary) No. 4407/2023 एवं सम्बद्ध अन्य एप्लीकेशन में दिनांक 05.11.2024 को पारित निर्णय के अनुपालन में विद्युत सेवा आयोग, उ०प्र० पावर कारपोरेशन लि० के पत्रांक 15/विसेआ दिनांक 06-02-2025 एवं I/5266/2025 दिनांक 19.02.2025 द्वारा उपलब्ध कराये गये निम्नलिखित अर्ह तकनीशियन(विद्युत) कार्मिकों को सेवा में पुनर्बहाल किया जाता है एवं स्तम्भ-9 के अनुसार निगम आवंटित किया जाता है:-

S. No	Roll No	Regn No	Name	Father Name	Date Of Birth	Home District	PREVIOUS DISCOM	ALLOTTED DISCOM
1	2	3	4	5	6	7	8	9
1	21100397	144017921	RAKESH KUMAR	MAHANAND	15-07-90	ALIGARH	DVVNL	DVVNL
2	21100402	144017131	GOVIND BABU	RAM DEEN	24-06-87	FARRUKHABAD	DVVNL	DVVNL
3	21100531	144007371	SACHIN KUMAR	JAGDISH PRASAD	10-07-92	ALIGARH	DVVNL	DVVNL
4	21200745	144003042	AVNESH KUMAR	JAJ SINGH	15-06-89	BULANDSHAHR	PVVNL	PVVNL
5	21201007	144017033	GIRRAJ SINGH	LATE GANGA PRASAD	01-08-86	ALIGARH	DVVNL	DVVNL
6	21201330	144011244	SANJEEV KUMAR	GYAN SINGH	20-03-90	SAMBHAL	PVVNL	PVVNL
7	21201460	144018284	CHHOTE LAL YADAV	SURENDRA KUMAR YADAV	02-01-91	DEORIA	PuVVNL	PuVVNL
8	21301746	144019965	ASHUTOSH SINGH	BALRAM SINGH	26-08-92	FAIZABAD	MVVNL	MVVNL
9	21301907	144017026	ANEK SINGH	BHAGWAN SINGH	08-08-75	AGRA	DVVNL	DVVNL
10	21302818	144017429	JEETENDRA SINGH SRIWAS	KALURAM	28-04-84	JHANSI	DVVNL	DVVNL
11	21302927	144020069	RAMNIWAS SHARMA	KHEM KARAN LAL SHARMA	02-07-81	BAREILLY	MVVNL	MVVNL
12	22103346	144016540	PRAMOD KUMAR SHARMA	KASHI PRASAD SHARMA	04-12-89	RAE BARELI	MVVNL	MVVNL
13	22103617	144019780	SUDHEER SINGH	RAMESH SINGH	12-08-91	AZAMGARH	PuVVNL	PuVVNL
14	22204210	144013281	PRADEEP CHAUHAN	SURESH CHAUHAN	14-08-90	AZAMGARH	PuVVNL	PuVVNL
15	22204335	144013102	RAKESH PAL	MITTHU RAM PAL	18-10-88	JAUNPUR	PuVVNL	PuVVNL

16	22204652	144018452	SHIVRAJ BHARDWAJ	BAIJNATH RAJBHAR	05-07-92	GHAZIPUR	PuVVNL	PuVVNL
17	22204822	144019972	RAVEESH CHAUDHARY	SATISH CHANDRA CHAUDHARY	12-12-86	AKBARPUR	MVVNL	MVVNL
18	22205040	144002513	KUNAL KUMAR DHURIYA	LALAN KUMAR	15-06-85	ALLAHABAD	PuVVNL	PuVVNL
19	22205298	144017553	DINESH	RAM KISHUN NISHAD	01-08-91	JAUNPUR	TRANSCO	TRANSCO
20	22305615	144021404	VINOD KUMAR YADAV	SURENDRA YADAV	25-07-91	VARANASI	TRANSCO	TRANSCO
21	22305684	144004514	ARUN KUMAR SINGH	VIML KUMAR SINGH	01-08-87	OBRA	PuVVNL	PuVVNL
22	22306044	144009174	SHYAM KUMAR SINGH	KAMALA PRASAD SINGH	15-10-90	MIRZAPUR	TRANSCO	TRANSCO
23	22306281	144004015	MANISH KUMAR YADAV	RAM PATI YADAV	15-09-86	JAUNPUR	TRANSCO	TRANSCO
24	22306393	144004925	HANS LAL GAOND	RAMESH CHANDRA GAOND	05-08-88	GHAZIPUR	TRANSCO	TRANSCO
25	22407321	144020276	KAUSHAL VISHWAKARMA	RAM KUMAR VISHWAKARMA	13-09-90	VARANASI	TRANSCO	TRANSCO
26	22507509	144020007	RAJESH KUMAR YADAV	RADHE SHYAM YADAV	10-07-86	VARANASI	TRANSCO	TRANSCO
27	22608683	144008188	DHEERAJ KUMAR YADAV	RAM SURAT YADAV	20-12-89	JAUNPUR	TRANSCO	TRANSCO
28	22609015	144001539	RISHI KUMAR GUPTA	PARAS NATH GUPTA	10-08-89	AZAMGARH	TRANSCO	TRANSCO
29	23109571	144007410	DEEPAK SHARMA	RAJENDRA SHARMA	04-11-82	ALLAHABAD	TRANSCO	TRANSCO
30	23109750	144013530	RAJ KUMAR CHAURASIA	MEWALAL CHAURASIA	26-01-91	FAIZABAD	MVVNL	MVVNL
31	23109837	144008540	VIRENDRA KUMAR	RAM KRIPAL KUTAR	03-09-86	HAMIRPUR	DVVNL	DVVNL
32	23109900	144002450	SUDESH KUMAR GAUR	NARESH NARAIN GAUR	01-03-83	SHAHJAHANPUR	MVVNL	MVVNL
33	23110312	144008701	SURESH KUMAR MAURYA	RAMESH MAURYA	11-06-75	AZAMGARH	TRANSCO	TRANSCO
34	23110315	144004801	ANIL KUMAR	SUKH LAL	02-01-89	BAREILLY	MVVNL	MVVNL
35	23110444	144019421	MALIK ASHAHAR AHMAD	MALIK IMTIYAZ AHMA	15-07-77	MAHARAJGANJ	PuVVNL	PuVVNL
36	23110544	144013731	DEEP NARAYAN	JIYA LAL	18-07-92	LUCKNOW	MVVNL	MVVNL
37	23110601	144007341	SANDEEP KUMAR VERMA	RAMRAJ VERMA	20-05-95	SITAPUR	MVVNL	MVVNL
38	23110626	144000741	AKASH KUMAR	JAI SHANKER PRASAD	18-03-88	ANAND NAGAR	TRANSCO	TRANSCO

39	23211271	144008522	NEERAJ KUMAR VERMA	SANT LAL VERMA	05-08-80	LAKHIMPUR KHERI	MVVNL	MVVNL
40	23211392	144007932	DIVAKER LAL MAURYA	MURALI DHAR	01-05-88	AZAMGARH	TRANSCO	TRANSCO
41	23211413	144017242	RAJEEV	RAM CHANDRA	29-07-88	BUDAUN	MVVNL	MVVNL
42	23311645	144001372	ANIL KUMAR GAUTAM	PARMESHVAR GAUTAM	06-07-82	FAIZABAD	MVVNL	MVVNL
43	23311685	144009872	DEVENDRA KUMAR	BABOO RAM	01-06-85	HARDOI	MVVNL	MVVNL
44	23311815	144013392	AKHILESH KUMAR	HEERA LAL	08-11-88	SHAHJAHANPUR	MVVNL	MVVNL
45	23311895	144012403	RAJNISH KUMAR	RAM TAPESHWAR SINGH	28-03-89	BAHRAICH	MVVNL	MVVNL
46	23412181	144009933	KOMAL SINGH YADAV	LATE BISHWANATH SINGH YADAV	05-10-90	LUCKNOW	MVVNL	MVVNL
47	23412690	144011404	DILEEP KUMAR MAURYA	KEDAR NATH MAURYA	26-01-90	JAUNPUR	TRANSCO	TRANSCO
48	23412716	144009604	HARI KESH	LAL MANI MAURYA	15-08-92	AMBEDKAR NAGAR	MVVNL	MVVNL
49	23412734	144015904	BRIJESH KUMAR VERMA	MAHA DEV VERMA	01-07-83	FAIZABAD	MVVNL	MVVNL
50	23513094	144011354	VINAY GUPTA	SUKH SAGAR GUPTA	15-03-94	KANPUR NAGAR	DVVNL	DVVNL
51	23513173	144007364	MUKESH KUSHWAHA	CHHOTE LAL KUSHWAHA	02-03-92	KUSHINAGAR	TRANSCO	TRANSCO
52	23613637	144009225	RAM PRAVESH KUMAR BHARTI	PARSAN RAM	01-08-89	BALLIA	TRANSCO	TRANSCO
53	23613915	144016755	VIJENDRA KUMAR SHARMA	NEM SINGH SHARMA	01-05-83	ETAH	DVVNL	DVVNL
54	23614011	144009075	PRAMOD KUMAR KAUSHAL	GAURI SHANKAR	12-01-92	BALLIA	PuVVNL	PuVVNL
55	23614268	144016506	NIRMAL KUMAR	MOHAN LAL YADAV	12-06-95	FAIZABAD	MVVNL	MVVNL
56	23614346	144019516	MANISH KUMAR MAURYA	MOHAN LAL MAURYA	27-04-89	DEORIA	TRANSCO	TRANSCO
57	23614507	144011536	RAHUL RATHAUR	RAM KISHORE RATHAUR	22-06-95	SHAHJAHANPUR	MVVNL	MVVNL
58	23714549	144017046	AVINASH KUMAR	RAM LAL	20-06-90	HARDOI	MVVNL	MVVNL
59	23714573	144015346	RAVI KUMAR SHARMA	RAMBODH SHARMA	02-07-88	KUSHINAGAR	TRANSCO	TRANSCO
60	23714719	144019956	BRAJESH KUMAR YADAV	PRABHU NATH YADAV	01-07-84	BALLIA	TRANSCO	TRANSCO
61	23715103	144021607	YOGENDRA KUMAR	POORAN MALL	12-05-90	GORAKHPUR	TRANSCO	TRANSCO
62	23715326	144020337	DHARMENDRA SINGH	ANOOP KUMAR SINGH	05-05-88	KANPUR NAGAR	DVVNL	DVVNL

63	23715399	144009247	SANDEEP KUMAR	MUNNA LAL	17-07-91	FAIZABAD	MVVNL	MVVNL
64	23815590	144016367	BHASKAR MANI TIWARI	RAVINDRA NATH TIWARI	03-07-87	SANT KABIR NAGAR	MVVNL	MVVNL
65	23816384	144000468	ANOOP KUMAR GAUTAM	SURYA NATH GAUTAM	14-04-89	FAIZABAD	MVVNL	MVVNL
66	23816422	144015868	MANOJ KUMAR	RAJENDRA KUMAR	16-09-84	SHAHJAHANPUR	MVVNL	MVVNL
67	23916917	144006929	NITIN KUMAR	HARI PRAKASH	11-09-89	JHANSI	DVVNL	DVVNL
68	24117573	144006320	JOT SINGH	KHEM SINGH	02-10-91	SAHARANPUR	PVVNL	PVVNL
69	24117576	144010420	SHASHI KANT SHARMA	VISHNU DUTT	05-08-82	DELHI	TRANSCO	TRANSCO
70	24117594	144019820	AJAY	ABHAY RAM	26-10-89	SAHARANPUR	PVVNL	PVVNL
71	24218501	144006822	SANDEEP A	GOPALAKRISHNAN A	25-05-87	PALGHAT	TRANSCO	TRANSCO
72	24218650	144019752	KESHAV SINGH	GHANSHYAM SINGH	30-07-83	BIJNOR	PVVNL	PVVNL
73	24218738	144013672	DEVENDRA KUMAR PRAJAPATI	BABU RAM PRAJAPATI	01-07-78	DEORIA	TRANSCO	TRANSCO
74	24218879	144010903	PRABHAT KUMAR JHA	RAM LALIT JHA	20-02-92	DELHI	TRANSCO	TRANSCO
75	24218959	144008523	RAJ KUMAR	HARENDRA SINGH	10-07-76	MEERUT	PVVNL	PVVNL
76	24219153	144012763	ANJEET KUMAR	TEJPAL SINGH	05-05-90	SAHARANPUR	PVVNL	PVVNL
77	24219284	144007493	DHARMENDRA SINGH	TODAR MAL	05-07-81	BULANDSHAHR	PVVNL	PVVNL
78	24219382	144021814	MOHD. KAMIL	MOHD. ANWER	15-01-74	SAHARANPUR	PVVNL	PVVNL
79	24219505	144015444	PANKAJ KUMAR	SHER SINGH	11-11-89	SAHARANPUR	PVVNL	PVVNL
80	24219528	144011944	RAM KUMAR	RAM CHANDRA SINGH	22-03-82	BULANDSHAHR	PVVNL	PVVNL
81	24319641	144012474	ANUJ KUMAR	AMLESH GOSWAMI	07-06-87	MEERUT	PVVNL	PVVNL
82	24319728	144017094	HARISH KUMAR	MOOLCHAND	26-12-92	BULANDSHAHR	PVVNL	PVVNL
83	24320367	144011136	ATMADEV KAUSHIK	ISHWAR DUTTA KAUSHIK	19-08-84	BAGHPAT	PVVNL	PVVNL
84	24320398	144009836	AMIT KUMAR	RAMPAL SINGH	07-06-87	MEERUT	PVVNL	PVVNL
85	24320586	144002286	ASHOK KUMAR	JAI PRAKASH SINGH	20-07-93	GHAZIABAD	PVVNL	PVVNL
86	24320640	44019396	SATISH KUMAR	BHOLA SINGH	25-01-89	BULANDSHAHR	PVVNL	PVVNL
87	24320804	44005037	ILYASH AHAMD	SHABBIR AHAMD	09-04-84	MEERUT	PVVNL	PVVNL
88	24320892	44013057	VINAY	DEVENDRA	06-06-87	MEERUT	PVVNL	PVVNL
89	24420991	44011377	NARENDRA KUMAR	NETRAM SINGH	10-04-81	MEERUT	PVVNL	PVVNL
90	24421075	44014197	SATISH KUMAR	GORKHA	21-04-75	MEERUT	PVVNL	PVVNL

91	24421223	44020728	SHYAM VIJAY	RAM LAL	15-01-78	AMBEDKAR NAGAR	TRANSCO	TRANSCO
92	24421308	44011848	BHEEM KUMAR	MAHENDRA SINGH	15-08-90	BULANDSHAHR	PVVNL	PVVNL
93	24421400	44019868	KAPIL ARYA	BHAJAN LAL ARYA	05-05-78	BULANDSHAHR	PVVNL	PVVNL
94	24421419	44001278	DHEERAJ KUMAR SHARMA	RAMSEVAK SHARMA	13-01-90	BIJNOR	PVVNL	PVVNL
95	24421771	44008659	AJAY KUMAR KANNAUJIYA	HARI NARAYAN KANNAUJIYA	10-07-94	AZAMGARH	TRANSCO	TRANSCO

### **उपर्युक्त कर्मियों की पुनर्बहाली निम्न प्रतिबंधों के अधीन की जा रही है:-**

- तकनीशियन कर्मियों द्वारा प्रस्तुत अभिलेखों/सूचना में यदि किसी स्तर/समय पर कोई कमी पायी जाती है अथवा उनके द्वारा अनुचित साधनों का प्रयोग कर चयन पाये जाने का मामला प्रकाश में आता है तो उनका चयन/नियुक्ति निरस्त कर दी जाएगी एवं उनके विरुद्ध विधिक कार्यवाही की जायेगी।
- ऐसे तकनीशियन कार्मिक जो वर्तमान में किसी अन्य विज्ञापन से चयनित होकर उ0प्र0 पावर कारपोरेशन लि0 एवं इसकी सहयोगी कंपनियों तथा उ0प्र0 पावर ट्रांसमिशन कारपोरेशन लि0 में सेवायोजित हैं अथवा किसी अन्य शासकीय/अर्ध शासकीय कंपनी/विभाग व उपक्रम में सेवायोजित हैं, उनके द्वारा अपने नवीन पुनर्बहाली स्थल पर उनके वर्तमान कंपनी/विभाग व उपक्रम से अवमुक्ति संबंधी प्रपत्र प्रस्तुत करना अनिवार्य होगा।

### **निगम मुख्यालय स्तर पर की जाने वाली कार्यवाही :-**

- उपरोक्त तकनीशियन(विद्युत) को रिक्त पदों के विरुद्ध तैनाती हेतु निगम मुख्यालय द्वारा आवश्यकता अनुसार खण्डीय कार्यालय में आवंटित किया जाएगा।
- उक्त तकनीशियन (विद्युत) के चयन के समय विद्युत सेवा आयोग द्वारा प्रेषित मूल डोजियर एवं पूर्व तैनाती खण्ड में उपलब्ध मूल सेवा पुस्तिका पूर्व के तैनाती खण्ड/ प्रथम तैनाती खण्ड से मूल रूप में नवीन पुनर्बहाली स्थल को प्रेषित करने हेतु संबंधित को निर्देशित किया जाएगा।

### **नव पदस्थापना स्थल के प्राधिकारी द्वारा की जाने वाली कार्यवाही:-**

- नव पदस्थापना स्थल के प्राधिकारी द्वारा पुनर्बहाल तकनीशियन कार्मिकों को पुनर्बहाली पर कार्यभार ग्रहण करने हेतु पत्र प्रेषित किया जायेगा। किसी कार्मिक को नवीन नियुक्ति पत्र( appointment letter) नहीं निर्गत किया जाना है क्योंकि यह पुनर्बहाली है, नई नियुक्ति नहीं है।
- नव पदस्थापना स्थल के प्राधिकारी द्वारा कार्मिक के सेवा से निष्कासन से पूर्व के तैनाती स्थल/प्रथम तैनाती स्थल से उनका मूल डोजियर प्राप्त किया जायेगा एवं उससे कार्मिक तथा उनके प्रपत्रों का सत्यापन कार्यभार ग्रहण करने के पूर्व किया जायेगा।
- पूर्व तैनाती स्थल/प्रथम तैनाती स्थल से कार्मिक की Service Book नव पदस्थापना स्थल के प्राधिकारी द्वारा प्राप्त कर पूर्ण की जाएगी।
- मा0 उच्चतम न्यायालय के सन्दर्भित निर्णय के अनुसार पुनर्बहाली पश्चात सेवा ज्वाइन करने वाले तकनीशियन (विद्युत) को पूर्व की मूल नियुक्ति तिथि से सभी परिणामी लाभ यथा सेवा निरंतरता Pay Fixation एवं टर्मिनल Benefits इत्यादि नव पदस्थापन स्थल के प्राधिकारी द्वारा प्रदान किये जाएंगे।
- अभ्यर्थी के अभिलेखों के मूल प्रमाण पत्रों से मिलान/जांच कराना सुनिश्चित करेंगे।
- कोई सूचना/गलत/असत्य/अपूर्ण पाये जाने पर तत्काल विद्युत सेवा आयोग/ मुख्य अभियन्ता(हाइडिल), को सम्बन्धित निगम मुख्यालय के माध्यम से सूचित किया जायेगा।

**संलग्नक :- मा० सर्वोच्च न्यायालय, नई दिल्ली में योजित मिसलेनियस एप्लीकेशन M.A. (Diary) No. 4407/2023 एवं सम्बद्ध अन्य एप्लीकेशन में दिनांक 05.11.2024 को पारित निर्णय सुलभ सन्दर्भ हेतु संलग्न है।**

**निदेशक(का0प्र0 एवं प्रशा0)**

**उ0प्र0पा0का0लि0**

संख्या 6311 /2025/E-7/ तददिनांक 07/03/2025

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित:-

1. अध्यक्ष, उ0प्र0 पावर कारपोरेशन लि0, शक्ति भवन, लखनऊ।
2. प्रबन्ध निदेशक, उ0प्र0 पावर कारपोरेशन लि0, शक्ति भवन, लखनऊ।
3. प्रबन्ध निदेशक, उ0प्र0 पावर ट्रांसमिशन कारपोरेशन लि0, शक्ति भवन, लखनऊ।
4. प्रबन्ध निदेशक, दक्षिणांचल/पश्चिमांचल/पूर्वांचल/मध्यांचल विद्युत वितरण निगम लि0, आगरा/ मेरठ/ वाराणसी/ लखनऊ।
5. निदेशक(का0प्र0 एवं प्रशा0), उ0प्र0 पावर ट्रांसमिशन कारपोरेशन लि0, शक्ति भवन, लखनऊ।
6. निदेशक(का0प्र0 एवं प्रशा0), दक्षिणांचल/पश्चिमांचल/पूर्वांचल/मध्यांचल विद्युत वितरण निगम लि0 आगरा/ मेरठ/ वाराणसी/ लखनऊ।
7. अध्यक्ष/सचिव, विद्युत सेवा आयोग, उ0प्र0 पावर कारपोरेशन लि0, शक्ति भवन, लखनऊ।
8. अधिशासी अभियन्ता-वेब, उ0प्र0 पावर कारपोरेशन लि0, शक्ति भवन, लखनऊ को इस आशय से प्रेषित की उक्त ज्ञाप कारपोरेशन के वेबसाइट पर अपलोड करने का कष्ट करें।

  
07/03/25

(अम्बुज सिंह गहरवार )  
वैयक्तिक सहायक(द्वितीय)  
कृते मुख्य अभियन्ता (हाइडिल)



**IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION**

**MISCELLANEOUS APPLICATION NO. \_\_\_\_\_ OF 2024  
[ @ DIARY NO. 4407 OF 2023 ]  
IN  
CIVIL APPEAL NO. 9026 OF 2019**

**MUKUL KUMAR TYAGI** **...APPLICANT(S)**

**VERSUS**

**THE STATE OF UTTAR PRADESH  
AND OTHERS** **...RESPONDENT(S)**

**WITH**

**MISCELLANEOUS APPLICATION NO. \_\_\_\_\_ OF 2024  
[ @ DIARY NO. 5682 OF 2023 ]  
IN  
CIVIL APPEAL NO. 9026 OF 2019**

**MISCELLANEOUS APPLICATION NO. \_\_\_\_\_ OF 2024  
[ @ DIARY NO. 10291 OF 2023 ]  
IN  
CIVIL APPEAL NO. 9026 OF 2019**

**CIVIL APPEAL NO. \_\_\_\_\_ OF 2024  
[ Arising out of SLP(C) No. 23273 of 2023 ]**

**J U D G M E N T**

**B.R. Gavai, J.**

1. Leave granted in appeal arising out of SLP(C) No. 23273 of 2023.

**2.** The present applications/appeal have been filed praying for a direction to the concerned authority to re-appoint the applicants on the post of Technical Grade-II (Electrical) in Uttar Pradesh Power Corporation Limited (hereinafter referred to as “respondent-Corporation”) who were appointed pursuant to the advertisement dated 6<sup>th</sup> September 2014, by setting aside the termination letter dated 13<sup>th</sup> May 2018 issued by the respondent-Corporation against the applicants herein.

**3.** The facts, *in brief*, giving rise to the present applications/appeal are as given below:

**3.1** The erstwhile Uttar Pradesh State Electricity Board under the Uttar Pradesh Electricity (Supply) Act, 1948, promulgated the U.P. State Power Parishad Operative Employees Cadre Service Regulations, 1995 (hereinafter referred to as “1995 Regulations”).

**3.2** With the enactment of Uttar Pradesh Electricity Reforms Act, 1999, the U.P. State Electricity Board ceased to exist and was replaced by the respondent-Corporation.

**3.3** The respondent-Corporation adopted the 1995 Regulations which prescribed the method of filling-up posts

of Technician Grade-II and set out the educational qualifications in relation thereto.

**3.4** By an office memorandum dated 29<sup>th</sup> January 2011, the Board of Directors of the respondent-Corporation amended the 1995 Regulations thereby prescribing that all incumbents seeking selection to the post of Technician Grade-II would be liable to hold a Certificate of 80 Hours Course on Computer Concepts (hereinafter referred to as “CCC certificate”) issued by Department of Electronics and Accreditation of Computer Courses (hereinafter referred to as “DOEACC”) and would need to produce the same certificate at the time of interview.

**3.5** By an office memorandum dated 25<sup>th</sup> November 2011, the respondent-Corporation provided that an equivalent computer eligibility qualification to CCC certificate issued by DOEACC would also be accepted.

**3.6** On 6<sup>th</sup> September 2014, the respondent-Corporation issued an advertisement, thereby inviting applications for appointments against 2,211 posts of Technician Grade-II (Electrical). Possession of CCC certificate or its equivalent computer qualification certificate was one of the mandatory

educational qualifications prescribed in paragraph 2 of the advertisement. In terms of paragraph 7 of the advertisement, the candidates were required to submit the CCC certificate at the time of interview.

**3.7** On 8<sup>th</sup> November 2014, a written examination was conducted and the applicants herein qualified the written examination. The applicants herein, thereafter, appeared in the interview conducted during the period from December 2014 to July 2015.

**3.8** On 14<sup>th</sup> July 2015, the final selection list was prepared and published. The applicants herein were issued appointment letters.

**3.9** On 25<sup>th</sup> July 2015, the unsuccessful candidates preferred a Writ Petition before the Allahabad High Court being Writ-A No. 41750 of 2015 and other connected petitions seeking quashing of the select list dated 14<sup>th</sup> July 2015, and revision of the select list by excluding those candidates who had obtained CCC certificate on dates subsequent to 30<sup>th</sup> September 2014 as also those candidates who did not possess CCC certificate as awarded by DOEACC,

since renamed as National Institute of Electronics and Information Technology (hereinafter referred to as “NIELIT”).

**3.10** Vide final judgment and order dated 7<sup>th</sup> October 2017, the Single Judge of the Allahabad High Court quashed the select list in question insofar as it includes candidates who do not hold a CCC certificate conferred or recognized by NIELIT. Further, the Single Judge directed the respondents therein to re-draw the select list restricting it to the candidates who hold a recognized CCC certificate or a qualification recognized in law as being equivalent thereto.

**3.11** Accordingly, on 13<sup>th</sup> October 2017, the Electricity Service Commission, UPPCL, *directed* the Chief Engineer(s) and Superintending Engineer(s) to send the attested photocopies of CCC certificates of selected candidates on the 2,211 posts of Technician Grade-II (Electrical) and to check at their own level, whether the CCC certificate attached is issued by an institution recognized by NIELIT (formerly DOEACC) or its equivalent or not.

**3.12** Thereafter, on 13<sup>th</sup> May 2018, the Electricity Service Commission, UPPCL, published the list of candidates whose selection was not found to be in accordance with the

eligibility as per the direction of the learned Single Judge of the Allahabad High Court contained in Writ-A No. 41750/2015 and other connected petitions. The aforesaid list contained the names of the applicants herein.

**3.13** Aggrieved thereby, the applicants herein filed a Writ Appeal before the Allahabad High Court being Special Appeal No. 585 of 2018 and connected petitions.

**3.14** Vide final judgment and order dated 9<sup>th</sup> May 2019, a Division Bench of the Allahabad High Court *allowed* the Special Appeals filed *inter-alia* by the applicants herein and set aside the judgment and order passed by the learned Single Judge. The Writ Petitions were dismissed. Further, the respondents therein were directed to restore the position relating to the entire process of selection including the appointments of selected incumbents as that was prior to acceptance of the writ petitions.

**3.15** Aggrieved by the judgment and order passed by the Division Bench of the Allahabad High Court, a number of appeals were filed before this Court.

**3.16** Vide final judgment and order dated 16<sup>th</sup> December 2019 in Civil Appeal No. 9026 of 2019 and other connected

appeals titled ***Mukul Kumar Tyagi v. The State of Uttar Pradesh and Others***<sup>1</sup>, this Court *allowed* the appeals and set aside the judgment and order passed by the Division Bench of the Allahabad High Court. In paragraph 71, this Court observed that the direction of the Single Judge of the Allahabad High Court, indicates that select list insofar as the candidates, who had certificates from NIELIT/DOEACC was not quashed, their position in select list was not disturbed and select list was partly quashed only with regard to those candidates, who did not have CCC or NIELIT certificate.

**3.17** Thereafter, the applicants herein filed a Writ Petition under Article 32 of the Constitution being Writ Petition (C) No. 1144 of 2022 with a prayer for a direction to the respondents therein to restore/re-instate them in their respective positions in their services, as the termination was against the true letter and spirit of the judgment dated 16<sup>th</sup> December 2019 passed by this Court in the case of ***Mukul Kumar Tyagi*** (supra).

**3.18** This Court, vide order dated 30<sup>th</sup> January 2023, *dismissed* the Writ Petition filed by the applicants herein,

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<sup>1</sup> (2020) 4 SCC 86 : 2019 INSC 1380

however, in the peculiar facts and circumstances, granted liberty to the applicants to file an appropriate application in the disposed of Civil Appeal (No. 9026 of 2019) with connected matters and *directed* the Registry to entertain the same.

**3.19** In such facts, the present applications/appeal have come up for hearing before this Court.

**4.** We have heard Shri Dama Seshadri Naidu, Shri Amit Anand Tiwari and Shri Rana Mukherjee, learned Senior Counsel appearing on behalf of the applicants. We have also heard Shri S.K. Saxena, learned Senior Counsel appearing on behalf of the respondent-Corporation and Electricity Service Commission.

**5.** The learned Senior Counsel appearing on behalf of the applicants submitted that, as a matter of fact, vide Office Memorandum dated 29<sup>th</sup> January 2011, the 1995 Regulations were amended thereby prescribing that all incumbents seeking selection to the post of Technician Grade-II would be required to produce the CCC certificate issued by DOEACC/NIELIT at the time of interview. It is submitted that all such candidates who were selected in

pursuance to the said selection process and having the CCC certificate on the date of the interview were eligible to be continued. It is submitted that the interview process continued for a long period from December 2014 to July 2015. It is submitted that the learned Single Judge of the High Court vide its judgment and order dated 7<sup>th</sup> October 2017 had set aside the selection process only of such candidates who did not possess the CCC certificate.

**6.** It is therefore submitted on behalf of the applicants that the approach of the respondent-Corporation in setting aside the selection process even of such candidates who possessed the CCC certificate at the time of interview on the ground that they did not possess the same on the last date of application i.e. 30<sup>th</sup> September 2014 is totally erroneous.

**7.** Insofar as the plea of Shri Rana Mukherjee, learned Senior Counsel is concerned, he submitted that, as per the advertisement, even such of the candidates who did not possess the CCC certificate at the time of interview but had obtained the same prior to the last date of the interview i.e. 4<sup>th</sup> July 2015 are entitled to be continued in service and their selection could not have been set aside.

**8.** Shri Saxena, learned Senior Counsel appearing on behalf of the respondent-Corporation, on the contrary, submitted that, it is a settled position of law that the requisite qualification has to be obtained prior to the last date of submission of application. It is submitted that, as such, the candidates who possessed CCC certificate on the date of interview but did not possess the same on the last date of submission of application are not entitled to be continued. It is therefore submitted that the respondent-Corporation has rightly terminated the services of such of the candidates.

**9.** The present applications arise out of peculiar facts and circumstances. The Board of Directors of the respondent-Corporation, vide office memorandum dated 29<sup>th</sup> January 2011, amended the 1995 Regulations which provided that all incumbents seeking selection to the post of Technician Grade-II would be required to hold the CCC certificate issued by DOEACC/ NIELIT. The amended resolution required CCC certificate to be mandatorily possessed by the candidates at the time of interview.

**10.** By another office memorandum dated 25<sup>th</sup> November 2011, the respondent-Corporation provided that an equivalent computer eligibility qualification to CCC certificate issued by the DOEACC would also be accepted.

**11.** On 6<sup>th</sup> September 2014, the respondent-Corporation issued an advertisement thereby inviting applications for appointments against 2,211 posts of Technician Grade-II (Electrical). The said advertisement provided two mandatory qualifications. The first one being the High School or its equivalent examination of Board of Higher Secondary Education, U.P. passed with Science & Mathematics subjects and All India/State Professional Certificate in Electrical Trade. The second qualification required a CCC certificate or its equivalent computer qualification certificate. As per clause 7 of the said advertisement, merely permitting a candidate to appear in the written test would not earn him/her a right to selection. It was also provided that the scrutiny of the certificates of the candidates would be carried out at different levels.

**12.** In pursuance of the said advertisement, a written examination was conducted on 8<sup>th</sup> November 2014. The

interviews were held from December 2014 to July 2015. The final selection list was prepared and published on 14<sup>th</sup> July 2015.

**13.** Subsequent to the publication of the final selection list, the unsuccessful candidates challenged the selection process. The challenge was made on two grounds. Firstly, such of the candidates who had obtained CCC certificate after the last date of advertisement i.e. 30<sup>th</sup> September 2014 could not have been selected. Secondly, the candidates who did not possess the CCC certificate as awarded by DOEACC/ NIELIT but submitted certificates from private institutions with the self-certification about their equivalence to CCC certificate issued by DOEACC/NELIT could also not be selected.

**14.** It will be relevant to refer to the conclusions arrived at by the learned Single Judge of the High Court in its judgment and order dated 7<sup>th</sup> October 2017, which read thus:

**“CONCLUSIONS**

In the end, the Court records the following conclusions:-

**1. A recognised qualification is an essential facet of Article 16 of the Constitution.**

**2. No rights can be recognised in a candidate aspiring to enter public service on the strength of an unrecognized qualification or one granted by an institution which is not conferred the authority to grant the same in accordance with law.**

3. The qualification as prescribed by the respondents does not merit interference at the behest of the petitioners.

4. The decision of the Board of Directors of the Corporation dated 23 November 2015 was an act of ratification and therefore does not merit interference.

5. The Commission failed to undertake any enquiry in respect of equivalence of qualifications. It undertook a wholly perfunctory exercise and that too prompted only by the interim directions of this Court.

6. Even in this exercise no accepted or legally sustainable norms were applied to adjudge the equivalence of certificates.

**7. The equivalence of qualifications cannot be left to depend or rest upon a self certification of candidates.**

**8. No certificate can possibly be accorded equivalence unless an enquiry is addressed towards its course content and syllabus.**

**9. None of the candidates holding other than CCC certificates were shown to hold qualifications recognisable in law. Their inclusion in the select list has clearly tainted the recruitment exercise. It has resulted in the induction of candidates who were not entitled to be selected or offered appointment.**

**10. Since their inclusion in the select list is invalid and would consequently merit the select list being redrawn, the petitioners are not liable to be non suited on the basis of the cut off marks prescribed by the Commission.**

Accordingly and in light of the above discussion and the conclusions recorded above, the select list prepared by the respondents is rendered unsustainable and must in consequence be set aside.

The writ petitions preferred by the non selected candidates are therefore allowed to the extent indicated below. The Court negatives the challenge to the decision of the Board of the Corporation dated 23 November 2015 and the condition of eligibility contained in the two advertisements. All interim orders operating on the writ petitions shall stand discharged in order to enable the Commission to proceed in the matter in light of the directions being issued herein after.

Writ Petition No. 18129 of 2017 shall stand disposed of in light of the above and the directions issued herein.

**The select list drawn up pursuant to the advertisements in question insofar as it includes candidates who do not hold a CCC certificate conferred or recognised by NIELIT is quashed.**

**The respondents shall in consequence redraw the select list restricting it to candidates who hold a recognised CCC certificate or a qualification recognised in law as being equivalent thereto. The Commission shall as a result of the above, reframe the merit list and publish the results thereof afresh. All consequences to follow.”**

[emphasis supplied]

**15.** It could thus be seen that the learned Single Judge held that a recognized qualification is an essential facet of Article 16 of the Constitution of India. It was held that no rights can be recognized in a candidate aspiring to enter public service

on the strength of an unrecognized qualification or one granted by an institution which is not conferred the authority to grant the same in accordance with law. It was held that the equivalence of qualifications could not be left to depend or rest upon a self-certification of candidates. It was further held that no certificate could possibly be accorded with equivalence unless an enquiry is addressed towards its course content and syllabus.

**16.** The learned Single Judge, in unequivocal terms, has held that inclusion of such of the candidates who did not possess CCC certificate had clearly tainted the recruitment exercise. It is also pertinent to note that the learned Single Judge had set aside the select list only insofar as those candidates who did not hold the CCC certificate conferred or recognized by DOEACC/NIELIT. The learned Single Judge directed that the respondent-Corporation shall in consequence redraw the select list restricting it to candidates who hold a recognized CCC certificate or a qualification recognized in law as being equivalent thereto.

**17.** Subsequent to the judgment of the learned Single Judge, the Electricity Service Commission, on 13<sup>th</sup> October

2017, directed the Chief Engineer(s) and Superintending Engineer(s) to send the attested photocopies of CCC certificates of selected candidates and to check at their own level, whether the CCC certificate attached is issued by an institution recognized by DOEACC/NIELIT or its equivalent or not. Subsequently on 13<sup>th</sup> May 2018, the Electricity Service Commission published a list of candidates whose selection was not found in accordance with the eligibility as per the direction of the learned Single Judge of the Allahabad High Court. The said list also contained the names of the candidates who were possessing the CCC certificate on the date of their interview. Consequently, their services also came to be terminated.

**18.** Various writ appeals came to be filed before the Division Bench of the High Court. The learned Division Bench, vide judgment and order dated 9<sup>th</sup> May 2019, held that the finding of the learned Single Judge that possession of CCC certificate from DOEACC/NIELIT was erroneous. It held that for computer literacy, self-certification was always acceptable and therefore, the CCC certificate having the self-certification could very well be accepted. The Division Bench thereby

allowed the appeals reversing the judgment and order of the learned Single Judge and dismissing the writ petitions.

**19.** The judgment of the Division Bench of the High Court was carried to this Court in three appeals in the case of ***Mukul Kumar Tyagi*** (supra). It will be relevant to refer to the following observations of this Court:

**“53. The candidates who had CCC certificate from NIELIT/DOEACC and who were included in the merit list dated 14-7-2015 were not affected by the judgment of the learned Single Judge dated 7-10-2017 [Prashant Kumar Jaiswal v. State of U.P. Writ A No. 41750 of 2015, order dated 7-10-2017 (All)] since the list was quashed only insofar as those candidates included in the merit list who did not have CCC certificate by NIELIT/DOEACC. The Division Bench in the impugned judgment [Deepak Sharma v. State of U.P. Special Appeal No. 585 of 2018, order dated 9-5-2019 (All)] has erroneously held that employer after judgment dated 7-10-2017 [Prashant Kumar Jaiswal v. State of U.P. Writ A No. 41750 of 2015, order dated 7-10-2017 (All)] did not take into consideration the CCC certificate of DOEACC or NIELIT. The following are the observations made by the Division Bench in this regard:**

“... Heard the learned counsel appearing on behalf of the rival parties. At the threshold, it would be appropriate to state that the employer after accepting the judgment given by the learned Single Bench has prepared a fresh select list and, while doing so, the certificate issued by DOEACC relating to “CCC” has not been taken into consideration....”

**54.** The Division Bench was not correct in making the above observations since neither the learned Single Judge vide its judgment dated 7-10-2017 [*Prashant Kumar Jaiswal v. State of U.P.* Writ A No. 41750 of 2015, order dated 7-10-2017 (All)] directed **for not taking into consideration CCC certificate by DOEACC nor Corporation or Commission deleted those names from the merit list who had CCC certificate from DOEACC.”**

[emphasis supplied]

**20.** It can thus be seen that this Court has, in unequivocal terms, held that the candidates who had CCC certificate from DOEACC/NIELIT and who were included in the merit list dated 14<sup>th</sup> July 2015 were not affected by the judgment of the learned Single Judge dated 7<sup>th</sup> October 2017, since the list was quashed only insofar as those candidates included in the merit list who did not have CCC certificate by DOEACC/NIELIT. This Court has, in unequivocal terms, held that the learned Single Judge, vide its judgment and order dated 7<sup>th</sup> October 2017, had neither restrained the respondent-Corporation from taking into consideration the CCC certificate issued by DOEACC/NIELIT nor had it directed that the respondent-Corporation delete those names from the merit list who had CCC certificate from DOEACC/NIELIT. From paragraph 55 of the said judgment,

it would be clear that this Court was of the considered opinion that the CCC certificate as mentioned in the advertisement dated 14<sup>th</sup> September 2014 was CCC certificate as granted by DOEACC/NIELIT.

**21.** A perusal of the said judgment of this Court would reveal that this Court upheld the finding of the learned Single Judge that the advertisement dated 14<sup>th</sup> September 2014 did not envisage self-certification of the candidate of equivalence to CCC certificate. It further held that the self-certification by the candidates of their computer qualification was not sufficient to treat them having passed the required qualification. It will further be relevant to refer to the following observations of this Court in the said case:

**“71.** The above direction indicates that select list insofar as the candidates, who had certificates from NIELIT/DOEACC was not quashed, their position in the select list was not disturbed and select list was partly quashed only with regard to those candidates, who did not have CCC or NIELIT certificate. **The object or purpose of the direction was to scrutinise the qualifications of those candidates, who have claimed equivalent certificate. The above direction of the learned Single Judge was only for the purpose to scrutinise the qualification of those candidates, who are found possessing equivalent computer qualification so as to retain their names in the select list.** After the judgment of the learned Single

Judge dated 7-10-2017 [Prashant Kumar Jaiswal v. State of U.P. Writ A No. 41750 of 2015, order dated 7-10-2017 (All)] , the Commission in revising the merit list accepted the guidelines given under the Government Order dated 3-5-2016. The guidelines prescribed under the Government Order dated 3-5-2016 are as follows:

*“(a) The qualification of High School or intermediate examination with an independent subject or Computer Science from Madhyamik Shiksha Parishad, Uttar Pradesh or from any Institution/Education Board/Council established by the Central or any State Government.*

*(b) If any candidate has obtained diploma or degree in Computer Science then he shall also be eligible to be recruited as Junior Assistant/Stenographer.”*

**72. Thus, in the revised select list apart from candidates, who had CCC certificates from DOEACC/NIELIT, the candidates who were covered under guidelines dated 3-5-2016 were also treated as equivalent to CCC and were given place in the merit list subject to marks secured by them in the written test and interview.”**

**22.** It can be seen that this Court held that the object and purpose of the direction was to scrutinize the qualifications of those candidates, who had claimed equivalent certificate. It was only for the purpose to scrutinize the qualification of those candidates, who were found possessing equivalent computer qualification so as to retain their names in the select list. It is further clear that the direction given by the

learned Single Judge was applicable, apart from the candidates who were having CCC certificate from DOEACC/NIELIT, to the candidates who were covered under the guidelines dated 3<sup>rd</sup> May 2016 and were also treated as equivalent to CCC certificate. Ultimately, this Court upheld the finding of the learned Single Judge and held that there was no reason to interfere with the finding of the learned Single Judge.

**23.** It can be seen from the said judgment that an appeal was made to this Court that since number of vacancies were still available, the candidates who were initially in the select list dated 14<sup>th</sup> July 2015 and went out of the select list due to redrawing of the select list, they could be accommodated. However, this Court did not issue any direction in that regard and permitted such candidates to make representation which was to be considered by the respondent-Corporation.

**24.** It is thus clear from the aforesaid that such of the candidates who were having CCC certificate issued by DOEACC/NIELIT on the date of interview and who were part of the select list dated 14<sup>th</sup> July 2015 could not have been terminated by the respondent-Corporation.

**25.** It also appears that the respondent-Corporation has been taking contradictory stands. Before the High Court, it took a stand that not only such candidates having CCC certificate issued by DOEACC/NIELIT but also such candidates who had submitted certificate by self-certification were also entitled to be considered. It is only now that the respondent-Corporation is taking a stand that such of the candidates who did not have CCC certificate on 30<sup>th</sup> September 2014 i.e., the last date of application could not be considered as eligible candidates. The stand is contrary not only to its advertisement dated 6<sup>th</sup> September 2014 but also to the office memorandum of the Board dated 29<sup>th</sup> January 2011 vide which the 1995 Regulations were amended.

**26.** We have therefore no hesitation in holding that services of such of the candidates who were selected in the select list dated 14<sup>th</sup> July 2015 and had produced the CCC certificate at the time of the interview could not have been terminated. We find that the respondent-Corporation has grossly erred in terminating their services. At the same time, we are not inclined to accept the contention of those candidates who did not have CCC certificate even on the date of their interview

but have obtained the same subsequently. When the advertisement as well as the 1995 Regulations required the CCC certificate to be produced at the time of interview, if it is permitted to produce the same subsequent to the date of interview, it would be contrary to the advertisement and the 1995 Regulations.

**27.** It was also sought to be urged on behalf of the respondent-Corporation that such a relief could not have been granted by the present applications. We clarify that, this Court itself vide order dated 30<sup>th</sup> January 2023, while disposing of the writ petition filed under Article 32 of the Constitution of India, granted a liberty to file an appropriate application in disposed of CA No. 9026 of 2019 with connected matters. This Court has subsequently observed that, in peculiar facts and circumstances, if such application was filed, the same would be entertained by the Registry of this Court.

**28.** We therefore find that the present case is a fit case wherein this Court should exercise its extraordinary jurisdiction under Article 142 of the Constitution of India. The respondent-Corporation has misinterpreted the

judgment of the learned Single Judge and terminated the services of the applicants who were otherwise entitled to be continued as per the judgment. It is further pertinent to note that the view taken by the learned Single Judge has been affirmed in unequivocal terms by this Court. We find that if we fail to exercise our jurisdiction under Article 142 of the Constitution of India in these cases, it will be permitting continuation of illegality committed by the respondent-Corporation.

**29.** In the result, we pass the following order:

- (i) The present applications/appeal are allowed;
- (ii) Such of the applicants who found place in the select list dated 14<sup>th</sup> July 2015 and who possessed/produced the CCC certificate at the time of their interview are directed to be reinstated forthwith;
- (iii) Though they would not be entitled to back wages for the period during which they were out of employment, they would be entitled to placement in the seniority list as per their positions as in the select list dated 14<sup>th</sup> July 2015 with continuity in service

with all consequential benefits including pay fixation,  
terminal benefits etc.; and

(iv) Application(s) of impleadment/intervention are  
allowed.

**30.** Pending application(s), if any, shall stand disposed of in  
the above terms. No order as to costs.

.....J.  
(B.R. GAVAI)

.....J.  
(K.V. VISWANATHAN)

**NEW DELHI;  
NOVEMBER 05, 2024.**