



प्रेस विज्ञप्ति

22 फरवरी 2026

विषय: माननीय उच्च न्यायालय उत्तराखंड ने पिटकुल के प्रबंध निदेशक श्री प्रकाश चंद्र ध्यानी की नियुक्ति अवैध मानते हुए उन्हें तुरंत पद से हटाने के निर्देश दिए परंतु धामी सरकार न्यायालय के आदेशों की घोर अब मानना कर रही है

राज्य के विद्युत निगम पिटकुल के प्रबंध निदेशक प्रबंध निदेशक श्री प्रकाश चंद्र ध्यानी की नियुक्ति को लेकर उठे विवाद ने अब व्यापक कानूनी महत्व ग्रहण कर लिया है, क्योंकि इस मामले में भर्ती नियमों के पालन और सार्वजनिक नियुक्तियों की पारदर्शिता पर गंभीर प्रश्न उठाए जा रहे हैं। हाल ही में उच्च न्यायालय उत्तराखंड ने अपने आदेश दिनांक 18.2.2026 में राज्य निगम पावर ट्रांसमिशन कॉरपोरेशन ऑफ उत्तराखंड लिमिटेड (पिटकुल) के प्रबंध निदेशक श्री प्रकाश चंद्र ध्यानी की नियुक्ति निरस्त करते हुए स्पष्ट किया कि भर्ती नियमों में निर्धारित पात्रता – विशेषकर शैक्षिक योग्यता – का कड़ाई से पालन आवश्यक है।

न्यायालय ने कहा कि जब नियम किसी विशेष योग्यता को अनिवार्य बनाते हैं, तो प्रशासनिक अनुभव या कार्यपालिका का विवेक उसका स्थान नहीं ले सकता, जब तक नियमों के अनुरूप कारणयुक्त और रिकॉर्ड पर आधारित निर्णय न लिया गया हो। निर्णय यह भी रेखांकित करता है कि पात्रता मानकों से बिना ठोस आधार के विचलन संवैधानिक समानता और निष्पक्षता के सिद्धांतों का उल्लंघन हो सकता है। इससे यह सिद्धांत मजबूत हुआ है कि सार्वजनिक नियुक्तियाँ पारदर्शी, नियम आधारित और दस्तावेजी निर्णय प्रक्रिया पर आधारित होनी चाहिए।

इस परिप्रेक्ष्य में राज्य के विद्युत निगम में प्रबंध निदेशक श्री प्रकाश चंद्र ध्यानी की नियुक्ति से जुड़ा विवाद अब व्यापक प्रशासनिक महत्व का विषय बन गया है, जो भर्ती नियमों के पालन, राज्य उपक्रमों की जवाबदेही और शासन की विश्वसनीयता से जुड़े प्रश्न उठाता है, विशेषकर उत्तराखंड सरकार के संदर्भ में।

यह प्रकरण पुनः यह आवश्यकता दर्शाता है कि सार्वजनिक पदों पर नियुक्तियों में वैधानिक नियमों का कठोर अनुपालन सुनिश्चित किया जाए, ताकि संस्थागत विश्वसनीयता, प्रशासनिक निष्पक्षता और जनता का विश्वास बना रहे।

प्रेस वार्ता को संबोधित करते हुए श्रीमती दीप्ति पोखरियाल जो इस केस में पक्षकार भी हैं ने कहा कि उनके पति श्री नवनीत पोखरियाल के साथ श्री प्रकाश चंद्र ध्यानी ने अत्याचार की हर सीमा को पार किया जिसके कारण उनके एक आंख की रोशनी पूरी तरह से जा चुकी है और दूसरी आंख की रोशनी भी

40-45% खत्म हो चुकी है। इसका कारण प्रकाश चंद्र ध्यानी द्वारा उनके पति नवनीत पोखरियाल को आंखों के इलाज के लिए जाने से रोक कर जबरदस्ती काम करने पर मजबूर किया जाना था जिससे आंखों में खून का प्रेशर बढ़ गया और उनकी एक आंख की रोशनी सदा के लिए चली गई। उन्होंने हर जगह गुहार लगाई परंतु कहीं सुनवाई नहीं हुई। कोई ना कोई बहाना करके एमडी प्रकाश चंद्र ध्यानी ने उन्हें नौकरी रीजवाइन करने से भी रोका और इस समय उनके वेतन को भी रोके हुए 1 वर्ष से अधिक हो चुका है। दीप्ति पोखरियाल ने उच्च न्यायालय में चल रहे प्रवीण टंडन बनाम प्रकाश चंद्र ध्यानी मामले में पक्षकार बनाने का आवेदन दिया जिसे माननीय उच्च न्यायालय ने स्वीकार किया। माननीय उच्च न्यायालय का आदेश यह सिद्ध करता है कि उनके द्वारा कही गई बातों को माना गया और प्रकाश चंद्र ध्यानी को प्रबंध निदेशक के पद से तत्काल हटाने का आदेश दिया। उन्होंने यह भी कहा की प्रकाश चंद्र ध्यानी की एलएलबी डिग्री भी अवैध तरीके से ली गई है। इस पर एक विभागीय जांच भी हुई थी जिसमें एमडी प्रकाश चंद्र ध्यानी की एलएलबी डिग्री में गड़बड़ी पाई गई थी। प्रकाश चंद्र ध्यानी ने गलत दस्तावेज का इस्तेमाल करके और अवैधानिक तरीके से प्रमोशन पाए। माननीय उच्च न्यायालय के आदेश 18 फरवरी 2026 को आने के बाद भी राज्य सरकार ने एमडी प्रकाश चंद्र ध्यानी को उनके पद से नहीं हटाया है जो दिखा रहा है कि वह शासन प्रशासन के कितने चहेते और करीबी है जो अब समझ से परे हो चुका है।

पंकज क्षेत्री ने कहा पिटकुल एक ऐसा निगम है जिसमें भ्रष्टाचार व्याप्त है और इसके अकाउंट गहनता से कंट्रोलर और ऑडिटर जनरल यानी कैग द्वारा समयबद्ध तरीके से करवाया जाए और जांच आख्या को प्रदेश की जनता के समक्ष रखा जाए। विभाग में भ्रष्टाचार इतना व्याप्त है कि अब खुलेआम माननीय उच्च न्यायालय के आदेशों की भी अवहेलना हो रही है और सरकार मौन है।

सुजाता पॉल ने कहा कि यह किसी से नहीं छुपा है की पिटकुल हमेशा से सवालियों के घेरे में रहा है। उत्तराखंड की जनता का अधिकार है कि निगम में और यहां हो रहे कार्यों में पारदर्शिता लाई जाए क्योंकि पिटकुल में भ्रष्टाचार का अर्थ है बिजली के बिल के दामों में बढ़ोतरी और जनता से वसूली जिससे पूरी तरह लड़ने की जरूरत है और इसी कारण आज यह महत्वपूर्ण सवाल उठाए जा रहे हैं। यदि प्रदेश के मुख्यमंत्री श्री पुष्कर सिंह धामी माननीय उच्च न्यायालय के आदेश भी मानने को तैयार नहीं है और पिटकुल के एमडी को हटाने को तैयार नहीं है तो इसका मतलब है कि वह माननीय न्यायालय और उनके आदेशों का न सम्मान करते हैं और ना ही अनुपालन करने को तैयार है।

रविन्द्र सिंह गुसाई ने आगे कहा कि यह मामला अब केवल एक व्यक्ति की नियुक्ति तक सीमित नहीं रहा है, बल्कि यह संवैधानिक मर्यादा और प्रशासनिक जवाबदेही का गंभीर प्रश्न बन चुका है। उन्होंने कहा कि जब माननीय उच्च न्यायालय ने स्पष्ट रूप से इस नियुक्ति को अवैध घोषित करते हुए तत्काल हटाने के

निर्देश दिए हैं, तो राज्य सरकार द्वारा किसी भी प्रकार की देरी या निष्क्रियता न्यायिक अधिकार के प्रति सम्मान पर गंभीर सवाल खड़े करती है।

इन दोनों के बीच का रिश्ता क्या कहलाता है, इस सरकार को जनता को बताना होगा। और अब तक प्रबंध निदेशक श्री प्रकाश चंद्र ध्यानी को उनके पद से क्यों नहीं हटाया गया है? ऐसे हालातों में महामहिम राष्ट्रपति श्रीमति द्रौपदी मुर्मू जी से अनुरोध है की उत्तराखंड में कानून का राज स्थापित करने के लिए यहां राष्ट्रपति शासन लगा दें।

पंकज क्षेत्री

अधिवक्ता एवं सह संयोजक, "जन प्रहार"



2026:UHC:1095-DB

Judgement Pronounced on:18.02.2026

Judgement Reserved on:23.12.2025

**IN THE HIGH COURT OF UTTARAKHAND**

**AT NAINITAL**

**Hon'ble Mr. Ashish Naithani, J.**

**Hon'ble Mr. Subhash Upadhyay, J.**

**WRIT PETITION (SERVICE BENCH) No. 710 of 2024**

Praveen Tandon .....Petitioner

Versus

State of Uttarakhand & others .....Respondents

With

**WRIT PETITION (PIL) No. 70 of 2025**

Anil Chandra Baluni .....Petitioner

Versus

State of Uttarakhand & others .....Respondents

**With**

**WRIT PETITION (SERVICE BENCH) No. 295 of 2025**

Rajiv Gupta .....Petitioner

Versus

State of Uttarakhand & others .....Respondents

**Presence:**

Dr. Gyanendra Kumar Sharma, Ms. Indu Sharma and Ms. Harshi Gupta, learned counsel for the Petitioners in WPSB No.710 of 2024 and learned counsel for the Intervener in WPPIL No. 70 of 2025).

Dr. Kartikey Hari Gupta, Mr. Rafat Munir and Ms. Irum Zeba, learned counsel for the Petitioner in WPSB No. 295 of 2025.



Mr. S. N. Babulkar, learned Advocate General assisted by Mr. C. S. Rawat, learned Chief Standing Counsel for the State of Uttarakhand.

Mr. Abhijay Negi, Mr. Vinay Kumar, Ms. Snigdha Tiwari, and Mr. Himanshu Pal, learned counsel for the Respondent No.3 in WPSB No.710 of 2024.

Mr. Shobhit Saharia, Mr. Amanpreet Singh Rahi and Mr. Shubham Bharadwaj, learned counsel for the intervener.

**Per: Hon'ble Ashish Naithani, J.**

1. These three writ petitions, namely WPSB No. 710 of 2024, WPPIL No. 70 of 2025 and WPSB No. 295 of 2025, arise out of a common issue relating to the appointment of respondent no.3 to the post of Managing Director of a State Corporation governed by the *Selection and Appointment of Managing Directors & Directors in the Three Corporations Rules, 2021* (hereinafter referred to as “the Rules, 2021”).
2. Since the core issue involved in all three petitions is substantially identical, they were heard together and are being decided by this common judgment.
3. Brief facts of the case are as follows; the Rules, 2021 were framed by the State Government to regulate the selection and appointment of Managing Directors and Directors in three specified State Corporations. The Rules prescribe eligibility conditions, educational qualifications, experience requirements and procedural safeguards for appointment.
4. By amendment dated 28.05.2021, the Rules were modified, inter alia, to prescribe specific educational qualifications for the post of Managing Director. Under Rule 9 and Rule 9A, as amended, certain technical and professional qualifications, including possession of an Engineering Degree, were made part of the eligibility framework.
5. Subsequently, an advertisement was issued by the State Government inviting applications for the post of Managing Director of the



concerned corporation. The advertisement reflected the qualifications as provided under the amended Rules.

6. Respondent no.3 applied pursuant to the advertisement. After the selection process, respondent no.3 came to be appointed as Managing Director by order of the State Government.
7. WPSB No. 710 of 2024 was filed challenging the legality of the appointment primarily on the ground that respondent no.3 did not fulfil the mandatory educational qualification prescribed under Rule 9A of the Rules, 2021.
8. During the course of proceedings, this Court called upon the State Government to clarify whether any decision regarding “*equivalence*” in terms of the proviso to Rule 9A(4) had been taken prior to the appointment of respondent no.3, and if so, to place the same on record.
9. The Public Interest Litigation also questions whether the power of exemption or equivalence under the proviso to Rule 9A(4) can be exercised in an unguided manner, and whether such discretion must be circumscribed by objective standards.
10. WPSB No. 295 of 2025 was filed by another petitioner asserting individual grievance, contending that the appointment of respondent no.3 is arbitrary, violative of Articles 14 and 16 of the Constitution of India, and contrary to the express mandate of the Rules, 2021.
11. In response to the writ petitions, the State Government filed its counter-affidavit asserting that the appointment of respondent no.3 was made in accordance with the Rules, 2021. It is stated that respondent no.3 possesses substantial administrative and technical experience and that the Government, in exercise of powers under the proviso to Rule 9A(4), treated the qualification of respondent no.3 as equivalent.



12. This Court also directed the Chief Secretary to file an affidavit clarifying the understanding of Rule 9 and Rule 9A, and to state whether the qualifications prescribed under Rule 9A were mandatory in nature and whether any exemption or equivalence had been granted in the case of respondent no.3.
13. The affidavits placed on record disclose that while the State Government asserts the existence of discretion under the proviso, the precise nature, timing and reasoning of the decision determining equivalence form the central dispute in the present matters.
14. Thus, the foundational facts are not in serious dispute. The controversy primarily centres around the interpretation of the statutory Rules, the nature of the qualification prescribed, the scope of the proviso to Rule 9A(4), and the legality of the appointment of respondent no.3 in light thereof.
15. Heard learned counsel for the parties and perused the records.
16. Learned counsel for the Petitioners submit that the appointment of respondent no.3 is ex facie illegal, being contrary to the express mandate of Rule 9 and Rule 9A of the Rules, 2021.
17. It is argued that by virtue of the amendment dated 28.05.2021, the Rules clearly prescribe possession of an Engineering Degree as a mandatory qualification for appointment to the post of Managing Director. The language of the Rule, according to the petitioners, is couched in mandatory terms and admits of no relaxation except in strict compliance with the proviso.
18. Learned counsel contend that eligibility conditions prescribed in statutory rules have the force of law and cannot be diluted by executive discretion. Once the Rules prescribe a qualification, neither the advertisement nor the Government can override it.



19. It is further submitted that respondent no.3 does not possess the Engineering Degree required under Rule 9A and was therefore ineligible for consideration at the threshold. It is further submitted that eligibility constitutes a threshold requirement and cannot be substituted by considerations of suitability, experience or administrative competence.
20. With regard to the proviso to Rule 9A(4), it is argued that the proviso permits consideration of “equivalent qualification”, but equivalence cannot be presumed or inferred post facto. It must be:
- (i) Based on objective criteria, and
  - (ii) Recorded by a reasoned decision.
21. The petitioners submit that no such determination of equivalence exists on record. It is contended that the determination of equivalence, if any, must necessarily precede the selection and appointment process, and cannot be retrospectively invoked to validate an otherwise ineligible candidature.
22. Learned counsel submit that the proviso cannot be used as a tool to bypass mandatory qualifications. A proviso must be construed narrowly and cannot override the substantive provision.
23. It is also contended that if equivalence is to be determined, the same must be done by an appropriate expert body and not merely by executive assertion.
24. The petitioners further argue that allowing such appointments would render statutory qualifications illusory and defeat the object of the Rules, 2021, which were framed precisely to ensure professional competence and transparency in appointments to key public posts.



25. It is submitted that the appointment violates Articles 14 and 16 of the Constitution of India, as similarly placed eligible candidates were denied equal opportunity when an ineligible candidate was appointed.
26. Learned counsel appearing in the Public Interest Litigation submit that the issue involved transcends individual grievance and concerns the integrity of public institutions.
27. It is contended that Managing Director of a State Corporation holds a position of significant public responsibility involving financial, administrative and technical decision-making affecting public resources.
28. Learned counsel submit that statutory qualifications are introduced to ensure minimum professional competence and cannot be treated as decorative or directory provisions.
29. It is argued that if equivalence or exemption can be invoked in an unguided manner, the entire rule-based framework collapses and appointments become vulnerable to arbitrariness.
30. The petitioner in PIL further submits that discretion under the proviso must be exercised in accordance with well-defined principles, and the absence of objective guidelines renders the exercise arbitrary.
31. It is also contended that in matters of public appointment, transparency is a constitutional requirement flowing from Article 14. Any relaxation of qualification must be demonstrably justified and recorded.
32. Learned counsel emphasise that judicial review in such cases is not about substituting executive wisdom but about ensuring fidelity to statutory prescription.
33. Learned Advocate General and learned Chief Standing Counsel appearing for the State submit that the appointment of respondent no.3



was made after due deliberation and in accordance with the Rules, 2021.

34. It is argued that Rule 9A(4) expressly contains a proviso empowering the State Government to consider equivalence of qualifications. The existence of such a proviso indicates legislative intent to confer flexibility. It is submitted that the proviso is enabling in nature and intended to provide reasonable latitude to the State in assessing equivalent competence, and therefore cannot be construed in a rigid or restrictive manner.
35. Learned counsel for the state submit that strict literal interpretation would defeat the object of the Rule, which is to appoint competent and experienced professionals.
36. It is contended that respondent no.3 possesses extensive experience in the relevant sector and that practical experience may, in appropriate cases, be treated as equivalent to formal technical qualification.
37. Learned counsel for the State submits that the decision to treat respondent no.3 as eligible falls within executive domain and is not amenable to microscopic judicial scrutiny unless shown to be mala fide or perverse.
38. It is further argued that courts have consistently held that judicial review in matters of appointment is limited to examining the decision-making process and not the merits of the decision itself. It is further submitted that judicial interference is warranted only where the decision is demonstrably arbitrary, irrational, or contrary to statutory prescription.
39. Learned counsel for the State also contends that the petitioners cannot insist upon a hyper-technical interpretation of the Rules where



the larger objective of ensuring effective administration has been served.

40. It is submitted that the proviso would become otiose if interpreted in the restrictive manner suggested by the petitioners.
41. Learned senior counsel for respondent no.3 adopt the submissions of the State and further contend that the writ petitions are motivated and lack bona fides.
42. It is argued that respondent no.3 was selected after due consideration and possesses qualifications and experience that substantially satisfy the requirements of the post.
43. Learned counsel for respondent no.3 submit that equivalence does not require identity of degree but substantial similarity in competence and expertise.
44. It is further contended that the Rules do not mandate consultation with any particular expert body for determining equivalence and that the State Government is competent to take such decision.
45. It is argued that no prejudice has been caused to the petitioners and that the appointment has already been acted upon. Interference at this stage would disrupt administrative functioning.
46. It is finally submitted that unless the petitioners establish violation of a mandatory provision in a clear and demonstrable manner, the Court ought not to invalidate the appointment
47. At the outset, it is necessary to delineate the scope of judicial review in matters of appointment to public office. The Court does not sit as an appellate authority over executive decisions, nor does it reassess comparative merit or substitute its own view for that of the appointing authority. Questions of administrative wisdom, evaluation



of experience, and choice between candidates ordinarily lie within the executive domain.

48. The present case, however, concerns an appointment governed by the Selection and Appointment of Managing Directors and Directors in the Three Corporations Rules, 2021. Where an appointment is regulated by statute, the executive must act strictly within the statutory framework. Judicial review in such cases is confined to ensuring compliance with the governing Rules.
49. The distinction between suitability and eligibility is fundamental. While suitability involves subjective assessment of merit, eligibility pertains to objective statutory conditions. **The Court may not examine who is the better candidate, but it must examine whether the appointee was legally eligible to be considered.**
50. Eligibility constitutes a jurisdictional fact. If the foundational statutory requirement is absent, the exercise of power is rendered ultra vires, irrespective of the merits of the decision. Such requirement must be demonstrable from the record and cannot be supplied by subsequent justification.
51. The controversy, therefore, is limited yet significant. The Court is not concerned with the competence of respondent no. 3, nor with comparative merit, but with whether the appointment conforms to Rule 9 and Rule 9A of the Rules, 2021.
52. The petitioners contend that the educational qualification prescribed under Rule 9A is a mandatory condition and that respondent no. 3 lacked such qualification. It is further urged that no lawful determination of equivalence existed at the relevant time. The State, on the other hand, asserts that the proviso permits flexibility and that



respondent no. 3 was rightly treated as possessing an equivalent qualification.

53. The issue thus turns on the interpretation of Rule 9A and the legality of its application. The central question is whether the appointment satisfies the statutory eligibility requirement, either directly or through a valid invocation of the proviso. The Court now proceeds to examine the nature and effect of the qualification prescribed under Rule 9A.

54. Having identified the core issue, the Court must now examine the nature of the educational qualification prescribed under Rule 9A of the Rules, 2021. If the qualification is mandatory, any departure must find a clear sanction within the statutory framework. Judicial review in this sphere remains limited to cases of arbitrariness or breach of statutory prescription.

**55. Rule 9A, as amended, prescribes specific educational qualifications for appointment as Managing Director. The language employed is clear and affirmative, laying down a minimum threshold of eligibility rather than a matter of preference. It thus establishes an objective condition precedent to the exercise of discretion.**

**56. Ordinarily, where statutory rules prescribe qualifications for public office, such prescription is treated as mandatory unless the scheme indicates otherwise. The purpose of incorporating educational qualifications is to ensure objectivity, minimum competence, and protection against arbitrary selection. If such requirement were treated as merely directory, the discipline of statutory governance would stand diluted.**



57. In the present case, Rule 9A requires possession of an Engineering Degree. The Rule does not employ expressions suggestive of flexibility. On a plain reading, therefore, the qualification operates as a condition of eligibility.
58. The Rules, however, contain a proviso to Rule 9A(4), permitting consideration of equivalence. The presence of the proviso indicates limited flexibility, but it does not render the main qualification directory. The eligibility condition remains mandatory, subject only to lawful invocation of the proviso.
59. The controversy thus narrows to the scope and operation of the proviso. A proviso cannot override the main provision; it carves out a limited exception. Equivalence cannot amount to exemption. It must relate to the substance of the prescribed qualification and cannot operate as a device to dispense with the requirement altogether.
60. The determination of equivalence is an exercise of discretion, but such discretion must be structured, reasoned, and demonstrable from the record at the time of appointment. Subsequent explanations cannot cure the absence of statutory compliance.
61. While this Court does not sit in appeal over an administrative assessment, it must be satisfied that the proviso was consciously and lawfully invoked on relevant material. A bare assertion of equivalence is insufficient.
62. In the present case, though the State asserts that respondent no. 3 was treated as possessing an equivalent qualification, the critical question is whether the record discloses a reasoned decision invoking the proviso to Rule 9A(4) as part of the appointment process.
63. Experience and administrative competence, however valuable, cannot substitute a statutory qualification unless the Rules permit such



substitution through a legally sustainable mechanism. The proviso recognises equivalence, not exemption. The Court must therefore examine whether the invocation of equivalence in the present case satisfies the statutory discipline embodied in Rule 9A.

64. Continuing the above discussion, the Court is conscious that the proviso to Rule 9A(4) embodies necessary administrative flexibility. It is not redundant and must be given effect where genuine equivalence exists. Yet, such flexibility must operate within the discipline of law. Discretion affecting statutory eligibility must be traceable to the record; otherwise, judicial review cannot meaningfully assess compliance.

65. The central inquiry, therefore, is whether the requirement under Rule 9A stood lawfully satisfied through a valid invocation of the proviso. In the absence of material disclosing a conscious and identifiable decision invoking Rule 9A(4) during the appointment process, the eligibility condition cannot be treated as fulfilled.

66. The matter, however, does not rest at the statutory level alone. State action in public appointments must also conform to the constitutional guarantees of equality and non-arbitrariness under Articles 14 and 16 of the Constitution of India.

67. Article 14 forbids arbitrariness in State action. Discretion must be structured, reasoned, and founded on discernible material. Likewise, Article 16 ensures a level playing field in public employment. Where statutory qualifications are prescribed, all prospective candidates are entitled to expect adherence to that norm.

68. If a departure from the prescribed qualification is made without a demonstrable and reasoned invocation of the proviso, the process risks arbitrariness and unequal treatment. Experience and competence,



however valuable, cannot replace a statutory qualification unless the Rules themselves permit such substitution through a lawful mechanism.

69. This Court is not examining the sufficiency of the Government's satisfaction on equivalence, but only whether the record reflects any identifiable exercise of discretion under the proviso. In the present case, though such discretion is asserted, the material placed on record does not disclose a reasoned invocation of Rule 9A(4).
70. Legality must be judged on the basis of the record as it existed at the time of appointment. Post facto explanation cannot cure absence of statutory compliance. In the absence of demonstrable satisfaction of the eligibility requirement, the appointment cannot be insulated from judicial scrutiny.
71. The Court is conscious that interference with an appointment already acted upon is not to be undertaken lightly. Stability of administration is an important consideration. Nevertheless, where a statutory mandate is shown to have been departed from without lawful justification, the Court cannot decline to enforce the discipline of law. Judicial restraint does not extend to condoning illegality.
72. The Court must therefore determine the appropriate legal consequence of this infirmity, bearing in mind the statutory framework, the constitutional mandate, and the necessity of maintaining both legality and institutional stability.
73. In the present case, the absence of a demonstrable and reasoned invocation of the proviso to Rule 9A(4) strikes at the root of statutory eligibility. Eligibility being a condition precedent to appointment, its absence renders the exercise of power ultra vires. The defect is not procedural but foundational. Once the statutory mandate is not shown to have been complied with on the record, considerations of



administrative convenience or experience cannot sustain the appointment. The discipline of statutory governance, reinforced by Articles 14 and 16 of the Constitution of India, leaves no room for sustaining an appointment made in derogation of the prescribed qualification.

74. In view of the finding that the appointment itself is not in conformity with Rule 9A of the Rules, 2021, the ancillary challenges relating to extension of tenure, continuance as Director (HR), and holding of additional charge do not survive for independent adjudication and are rendered academic.

### ORDER

In view of the foregoing discussion, this Court holds that the educational qualification prescribed under Rule 9A of the Selection and Appointment of Managing Directors & Directors in the Three Corporations Rules, 2021 is a mandatory condition of eligibility, subject to the proviso contained therein. The material placed on record does not disclose a lawful and reasoned invocation of the proviso to Rule 9A(4) during the selection process. The appointment is, therefore, not in conformity with the statutory framework and is legally unsustainable.

Accordingly, the appointment of respondent no. 3 to the post of Managing Director is set aside. The State Government is at liberty to reconsider the matter strictly in accordance with the Rules, 2021. If the proviso to Rule 9A(4) is sought to be invoked, the determination of equivalence shall be made on objective material forming part of the decision-making record. Such exercise shall be completed within eight weeks.



2026:UHC:1095-DB

It is clarified that this Court has not expressed any opinion on the comparative merit, competence or suitability of respondent no. 3. Till a fresh decision is taken, the State may make an interim arrangement in accordance with law.

WPSB No. 710 of 2024, WPPIL No. 70 of 2025 and WPSB No. 295 of 2025 stand allowed in the above terms. No order as to costs.

**Hon'ble J. Ashish Naithani**

**Hon'ble J. Subhash Upadhyay**

Dated:18.02.2026

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