

Sanjay Sharma Vs. State & Anr.

**CWP No. 10260/2025**

08.07.2025 Present: Mr. Sanjeev Bhushan, Sr. Advocate with Mr. Sparsh Bhushan, Advocate, for the petitioner.

Mr. Y.P.S. Dhaulta, Mr. L.N. Sharma, Additional Advocates General, Ms. Leena Guleria, Ms. Menka Raj Chauhan, Deputy Advocates General and Mr. Rajat Choudhary, Assistant Advocate General, for the respondents.

**CMP No. 15393/2025**

Application has been filed for placing on record the Recruitment and Promotion Rules for the post of Junior Office Assistant (Information Technology), 2017 and 2020. The documents are ordered to be taken on record. Application to stand disposed of.

**CMP No. 14382/2025**

2. Heard.
3. Petitioner was appointed on compassionate ground as Junior Office Assistant (Information Technology) on contract basis on 12.01.2022 (Annexure P-1). The said appointment was subject to certain terms and conditions including the one that on joining as JOA(IT), the compassionate appointee must immediately get himself enrolled with National Institute of Electronics and Information Technology (NIELIT) for acquiring 'O' or 'A' level diploma. The maximum period for acquiring one year diploma in IT from NIELIT was prescribed as two years.

It was also stipulated that in case, compassionate appointee is not successful in getting the diploma in one year, he may continue the training related to diploma in IT, but the same shall be at his own cost and the State shall not reimburse anything for this extended period of training. The conditions were also to the effect that if any compassionate appointee, so enrolled with NIELIT, does not acquire the necessary minimum qualification within the prescribed maximum time limit of two years, he shall be offered compassionate employment to Class-IV post on daily wage basis in the respective department.

4. The petitioner got enrolled himself in 'O' level diploma from NIELIT on 05.12.2023. He did not acquire the diploma within the prescribed limit of two years from NIELIT. The respondents issued an office order on 10.06.2025 practically reverting the petitioner to the post of Class-IV on daily wage basis though on compassionate ground.

5. For seeking interim relief against the impugned office order dated 10.06.2025, learned Senior Advocate for the petitioner invited attention to the Recruitment and Promotion Rules for the post of JOA(IT), in force in the year 2017. Minimum Educational and other qualifications required for direct recruits in the said R&P Rules are as under: -

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| <p><i>7. Minimum Educational and other qualifications required for direct recruit(s)</i></p> | <p><i>a) Essential Qualification</i></p> |
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- i) 10+2 from a recognized Board of School Education/University.
- ii) One year Diploma in Computer Science/Computer Application/Information Technology from a recognized University/Institution
- iii) Computer typing speed of 30 words per minute in English or 25 words per minute in Hindi.  
OR
- i) 10+2 from a recognized Board of School Education/University.
- ii) 'O' or 'A' level Diploma from National Institute of Electronics & Information Technology (NIELIT).
- iii) Computer typing speed of 30 words per minute in English or 25 words per minute in Hindi.  
OR
- i) 10+2 from a recognized Board of School Education/University.
- ii) Diploma in Information Technology (IT) from a recognized ITI/Institution.
- iii) Computer typing speed of 30 words per minute in English or 25 words per minute in Hindi.

The R&P Rules for JOA(IT) underwent amendment vide notification dated 28.05.2020. Relevant portion of the essential qualifications now prescribed in 2020 Rules, is as under: -

“(a) Essential Qualification(S):

(i) Should have passed 10+2 Examination from a recognized Board of School Education/ University.

OR

Matriculation from recognized Board of School Education with one/two year's Diploma/Certificate from an Industrial Training Institute (ITI) in Information Technology (IT) & Information Technology Enabled Sectors (ITES) as notified by Director General of Employment & Training (Govt. of India) from time to time or three years Diploma in Computer Engineering/Computer Science/IT from a Polytechnic as approved by All India Council for Technical Education (AICTE):

(ii) Computer typing speed of 30 words per minute in English or 25 words per minute in Hindi.”

It is the contention raised by learned Senior Advocate for the petitioner, which *prima-facie* appears to carry force that under the R&P Rules 2020, in force at the time of petitioner's appointment as JOA(IT), 'O' level or 'A' level diplomas from NIELIT was not a condition precedent. Petitioner has placed on record his diploma in Computer Education (Annexure P-6). It has also been submitted for the petitioner that he would be completing his 'O' level diploma from NIELIT in the next couple of months. The test for remaining two exams of the petitioner is scheduled to be held in the month of July, 2025 and the result whereof is to be declared in the months of September/October, 2025.

In view of above, the petitioner has made out a case for grant of interim relief. Accordingly, operation of office orders dated 10.06.2025 (Annexures P-4 & P-5) are stayed till the next date of hearing or in another words, the petitioner shall continue to serve as JOA(IT).

Reply on behalf of the respondents be filed within three weeks. List thereafter.

**Jyotsna Rewal Dua**  
**Judge**

8<sup>th</sup> July, 2025 (rohit)