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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Decided on 15.05.2025

+ W.P.(C) 5854/2025 & CM APPL. 26738/2025

VINEET TANEJAPetitioner

Through: Petitioner in person.

versus

INDIAN RENEWABLE ENERGY DEVELOPMENT
AGENCYRespondent

Through: Mr. Vinay K. Garg, Sr. Advocate
with Mr. Ankur Chhibber, Mr.
Nikunj Arora and Mr. K.S. Rekhi,
Advocates.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

PRATEEK JALAN, J (ORAL)

1. The petitioner has filed this petition under Article 226 of the Constitution, in respect of his application for the post of Executive Director (Projects) and Executive Director (Law), against an advertisement issued by the respondent Indian Renewable Energy Development Agency [“IREDA”] on 18.01.2025.

2. It is recorded in the order dated 05.05.2025 that the petitioner withdrew his challenge as far as the post of Executive Director (Law) is concerned. The controversy thus concerns recruitment to the position of Executive Director (Projects)/E-9 Level, for which the advertisement specified the following educational/professional qualifications and



experience:

<u>PROJECTS:</u>	
<u>Educational/Professional Qualification</u>	<u>Experience</u>
<p><u>Essential:</u> B.E/B.Tech./ B. Sc. Engineering from Recognized University/ Institution</p> <p><u>Desirable:</u> Post Graduate Qualification viz. M.Tech., MBA or Post Graduate Diploma in Management, in Finance or equivalent, LLB, Environment discipline from Recognized University/ Institution</p>	<p><u>23 years experience in executive level and present working experience of minimum 01 (one) year in the Scale of Pay of Rs.120000-280000 and above or equivalent, in the area of Energy Sector / Renewable Energy Sector, dealing with Project Appraisal, Planning, Evaluation and Monitoring in Financial Institutions/ NBFCs/ Public Sector Organizations/ Joint ventures of PSEs/Central Govt/ State Govt/ Private Sector. The CTC should not be below Rs. 61.87 Lakhs per year for candidates presently working In Private Sector. Experience in Listed Organizations and experience in ERP applications preferable.</u></p> <p><i>The Incumbent would be responsible for leading and managing major functions of Projects viz Wind/ Solar/ Hydro/ Bio Energy/DISCOMS/Monitoring & Compliance/ Business Development & Strategy/ New Technology - Floating Solar, Rooftop Solar/ Battery & Modules/ EVs/ Retail Business and Environment and Social Governance, etc</i></p> <p><i>Overall experience in the area of Energy Sector / Renewable Energy Sector, dealing with Project Appraisal, Generation, Transmission, Documentation, Disbursements, Energy Efficiency and Conservation, Planning, Evaluation and Monitoring, Retail Business, ESG, etc. is desirable.</i></p>

[Emphasis supplied.]



3. It is not in dispute that the petitioner possesses the essential educational qualifications, as he holds a degree of Bachelor in Engineering. He also possesses two of the “*desirable*” educational qualifications, as he has a Master of Business Administration (MBA-Energy) and Bachelor of Laws degree. As far as relevant work experience is concerned, the petitioner’s contention is that he possesses the requisite work experience of 23 years at the Executive Level in the area of Energy Sector/Renewable Energy Sector, dealing with project appraisal, planning, evaluation, and monitoring, having been employed in the category of entities mentioned in the advertisement.

4. The contention of IREDA, however, as recorded in the order dated 05.05.2025, is that the advertisement provided for preference to be granted to candidates with “*experience in listed organisations*”, which implies companies whose securities are listed on recognised stock exchanges. My attention was also drawn to the recruitment policy of IREDA, which requires 20 candidates to be called for interview, if two posts have been advertised through direct recruitment. The respondent was directed to file an affidavit in support of these contentions.

5. Pursuant to this order, an affidavit dated 13.05.2025 has been filed by IREDA, in which it is stated as follows:

*“9. That as a matter of fact, **the term 'listed organisations' as mentioned in the advertisement dated 18.01.2025 refers to Listed Companies which have their Securities listed on the recognized stock exchanges functioning in India.** The answering respondent as also all the candidates applying for the post clearly understood the meaning of the term “listed” as such. This is evident from the fact that **none of the candidates including the petitioner applying for the post of Executive Director (Projects), never conveyed any doubt or sought any clarification in this behalf.** Petitioner even in the above captioned Writ Petition, has not raised any doubt about meaning of the term*



"listed origination" to be other than applied by the respondent i.e., Organization's Securities listed in the stock exchange.

10. The IREDA Recruitment Policy & Procedures in Para 9.0 under the head of 'Screening Test or enhancing standards' prescribes as follows:

"(iii) 1 Recruitment through open advertisement:

If posts in a particular category is 1 then in the ratio 1: 15

If posts in a particular category are more than 1 then in the ratio 1: 10"

That since the number of vacancies advertised in the posts of Executive Director (Projects) advertised by the IREDA was more than one, thus following the ratio of 1: 10, total 20 candidates were to be shortlisted for interview for 2 vacancies.

Copy of the IREDA Recruitment Policy & Procedures is annexed herewith as **Annexure R-1**.

11. That since the number of applications received for the post of Executive Director (Project) was 109, which was fairly much larger than the prescribed consideration zone. The qualification and experience prescribed in the advertisement for the post of executive Director (projects) required experience in the area of Energy Sector/Renewable Energy Sector as the pre-dominant consideration since the Respondent is a public sector undertaking dealing in renewable sources of energy efficiency/conservation. **Out of 109 applications received for the post, 29 candidates had disclosed experience in the area of Energy Sector/Renewable Energy Sector as also in the listed CPSE' s.** It is for this consideration, the Respondent shortlisted all these 29 candidates as against the required 20 as per clause 9.0 of the recruitment policy. Petitioner herein, as his application form would depict, had neither disclose any experience in the area of Energy Sector/Renewable Energy Sector nor in the any listed organization. **Petitioner does not hold any experience of working with any organization from the renewable energy sector having its Equities listed on Stock exchanges in India. Therefore, application of the Petitioner was not shortlisted for interview.**

Copy of the Application Form submitted by the Petitioner is annexed herewith as **Annexure R-2**.

12. That it is evident from the above that the Committee constituted for final scrutiny of online applications has shortlisted applications for the post of Executive Director (Projects), keeping in view the functional requirements of the Post as also the criteria stated as above. As a matter of fact, apart from the factors as stated above, **the Committee**



whilst conducting the shortlisting exercise strictly adhered to the eligibility criteria of the candidates having experience in Renewable Energy Sector, from a listed PSE i.e. the PSE having its Securities listed on the Stock Exchanges of India.”

[Emphasis supplied.]

6. The petitioner, who appears in person, submits that this interpretation of the term “*listed organisations*” is not spelt out in the recruitment advertisement, and also has the effect of improperly excluding equally meritorious and qualified candidates on an irrelevant ground, i.e., that they have not worked in organisations whose securities are listed on the stock exchange. He submits that the recruitment was open to candidates, *inter alia*, with experience in Central Government and State Government in addition to Public Sector Organisations, Joint Ventures and other private entities. Using the example of a candidate who may have worked for Central Government or State Government, it is submitted that the interpretation advanced by the respondent would exclude such candidates altogether. He submits that such a criterion could, at best, have been one of several parameters employed by the respondent for shortlisting of candidates.

7. Mr. Vinay K. Garg, learned Senior Counsel for the respondent, on the other hand, relying upon the aforementioned averments in the counter affidavit, submits that the scope of interference in such decisions by the writ Court is extremely limited. It is for the employer to prescribe the qualifications applicable to the recruitment, as also to ascribe the weightage which it gives to various aspects that may be taken into consideration. In support of his submission, Mr. Garg places reliance on the judgments of the Supreme Court in *Zahoor Ahmad Rather & Ors. v.*



*Sheikh Imtiyaz Ahmad & Ors.*¹ and *Ramesh Chandra Shah & Ors. v. Anil Joshi & Ors.*²

8. Having considered these submissions, I am of the view that the respondent's contention must prevail. It is true that the respondent would have done well to clarify the meaning of the term "*listed organisations*" in the advertisement, particularly if it intended to use it as such a fundamental basis for shortlisting of candidates. However, its failure to do so cannot, in my view, render the exercise illegal or arbitrary. As stated in the affidavit, none of the candidates appear to have been confused by the ambiguity, and none, including the petitioner, sought any clarifications in this regard. Even before this Court, no alternative interpretation of the term has been advanced. The petitioner's contention is not that he understood it differently, but that he did not seek any clarification because he accepted this criterion to be used as one of several yardsticks in evaluation of the candidates.

9. As far as this aspect is concerned, the jurisdiction of the writ Court cannot extend to re-evaluating the criteria, which an employer regards as justified, or the weightage and importance ascribed to the said criteria. Reference, in this connection, may be made to the judgment of the Supreme Court in *Maharashtra Public Service Commission v. Sandeep Shriram Warade*³, wherein the Court held as follows:

"9. The essential qualifications for appointment to a post are for the employer to decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. It is the employer who is best suited to decide the requirements a candidate

¹ (2019) 2 SCC 404, paras 26, 27, 29.

² (2013) 11 SCC 309, para 18 [*"Ramesh Chandra Shah"*].

³ (2019) 6 SCC 362.



must possess according to the needs of the employer and the nature of work. The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being on a par with the essential eligibility by an interpretive re-writing of the advertisement. Questions of equivalence will also fall outside the domain of judicial review. If the language of the advertisement and the rules are clear, the court cannot sit in judgment over the same. If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to proceed in accordance with law. In no case can the court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same.”

The judgment in *Secy. (Health) Deptt. of Health & Family Welfare v. Anita Puri*,⁴ also mandates similar deference to the employer in assigning weightage to different relevant factors, including mandatory and preferential qualifications.

10. The petitioner’s arguments, in this regard, tantamount to a challenge to the conditions prescribed in the advertisement, which cannot be permitted at this belated stage. A person who takes part in the process of selection cannot, thereafter, question the method of selection and its outcome. In *Ramesh Chandra Shah*, the Supreme Court held that “*by having taken part in the process of selection process with full knowledge that the recruitment was being made under the General Rules, the respondents had waived their right to question the advertisement or the methodology adopted by the Board for making selection.*”⁵

11. An alternative submission of the petitioner is that he fulfils the preferred criteria also, as certain bonds issued by his present employer - Energy Efficiency Services Limited, were listed on the Bombay Stock

⁴ (1996) 6 SCC 282, paragraphs 7 and 9.

⁵ *Ramesh Chandra Shah*, para 24.



Exchange until September 2023. The affidavit of IREDA, however, proceeds on the basis that the equity shares of the petitioner's employers were not listed. This position is undisputed, and I find no manifest arbitrariness in the interpretation of IREDA, as elaborated in paragraphs 9 and 11 of its affidavit, extracted above.

12. The petitioner also contends that the shares of Tata Power Company Limited, which was the parent company of some of his erstwhile employers, are listed on the Stock Exchange. The respondent has annexed the application form, filed by the petitioner for the said post, which does not refer to this company at all. It only refers to the petitioner's employment in Dunroll Industries, Uttaranchal Jal Vidyut Nigam, Tata Power Delhi Distribution Limited, Tata Power Trading Company Limited, and Energy Efficiency Services Limited, none of which are admittedly listed on the Stock Exchange. Factually also, therefore, IREDA's decision-making process cannot be faulted.

13. Having regard to the clear averments in the affidavit filed by IREDA, that the petitioner's exclusion from the shortlisted candidates is on account of strict application of a declared preference, I am unable to discern any arbitrariness or illegality in IREDA's decision.

14. The writ petition, alongwith the pending application, is therefore dismissed.

PRATEEK JALAN, J

MAY 15, 2025
SS/JM/