

Court No. - 35

Case :- WRIT - A No. - 16569 of 2023

Petitioner :- Nirdosh

Respondent :- National Testing Agency, Ministry Of Education Govt. Of India And 2 Others

Counsel for Petitioner :- Sandeep Kumar Yadav,Ravindra Kumar Yadav

Counsel for Respondent :- C.S.C.,Ashish Mishra,Dhananjay Awasthi

Hon'ble Vikas Budhwar,J.

This case has been nominated by Hon'ble the Chief Justice before this Bench.

Heard Sri Mahendra Kumar Yadav (AOR No.A/M 0057/2012) holding brief of Sri Ravindra Kumar Yadav, learned counsel for the petitioner and Sri Mohd. Arish (AOR No.A/M 1770/2023) holding brief of Sri Ashish Mishra, learned counsel for Respondents Nos. 2 and 3.

The notice on behalf of the first respondent has been accepted by Sri Dhananjay Awasthi, however, even in the revised list, he is not present.

The case of the writ petitioner is that an advertisement was published by National Testing Agency (N.T.A.), New Delhi for filling up of various posts in the High Court of Judicature at Allahabad being the Uttar Pradesh Civil Court Staffs Centralized Recruitment Rules 2022-23 under Category 'C' Clerical Cadre Post. As per the Advertisement dated 30.10.2022 two posts were advertised being Junior Assistant and Paid Apprentices (Clerical Cadre). The pleadings reveal that the mode of examination was at two stages, Stage-I OMR based offline test and Stage-II for shortlisted candidates only (Hindi & English Type Test on Computer). The said selection was based upon the provisions contained under the Uttar Pradesh State District Court Service Rule, 2013, the Uttar Pradesh State District Court Service (First Amendment) Rules, 2017 and Orders issued by the Hon'ble High Court. So far as the post of Junior Assistant is concerned besides the essential qualification being Intermediate with special knowledge of Urdu and Hindi along with a CCC certificate issued by NIELIT (DOEACC Society) and 25 w.p.m. for Hindi and 30 w.p.m. for English Typewriting on Computer was required and so far as the Typing Speed for Paid Apprentices is concerned, Intermediate with a CCC certificate issued by NIELIT (DOEACC

Society) and 25 w.p.m. for Hindi and 30 w.p.m. for English Typewriting on Computer was required. According to the writ petitioner, he participated in the selection for both the posts and while inviting attention towards Annexure-6 at page-67 of the paper-book, reference whereof has been given in paragraph-9 of the writ petition, it has been sought to be argued on behalf of the writ petitioner that he qualified the Stage-I for the post of Junior Assistance and Paid Apprentice and he was allowed to present himself for Stage-II. He submits that the writ petitioner once being qualified for Stage-II ought to have been offered appointment.

The brief holder of Sri Ashish Mishra, who appears for the second and the third respondent has invited the attention of the Court towards page-18 which relates to the essential qualification while comparing with page-68 of the paper-book so as to contend that though the writ petitioner was qualified for Stage-II for both the posts, but the Hindi Typing Speed of petitioner was 23.700 against the required speed of 25 w.p.m. and 27 w.p.m. in English Type Test against the required speed of 30 w.p.m. Thus, according to the learned counsel for the respondents, the writ petitioner was not selected and accorded appointment.

I have heard learned counsel for the parties and perused the records. Since the essential qualification for both the posts is not under challenge and further the writ petitioner has not disputed the fact that he obtained 23.700 typing speed in Hindi Type Test against required speed of 25 w.p.m. and 27 w.p.m. typing speed in English Type Test against required speed of 30 w.p.m., thus the writ petitioner has been rightly not selected. Law is well settled that it is always open for the employer to fix a Bench Mark or a criteria for conducting selections. In view of above, this Court finds no illegality committed by the respondents.

The writ petition is accordingly **dismissed**.

Order Date :- 23.11.2023

N.S.Rathour