

Court No. - 8

Case :- WRIT - A No. - 4791 of 2023

Petitioner :- Devkinandan Ahirwar

Respondent :- State Of U.P. Thru. Prin. Secy. Irrigation And Water Resources
U.P. Lucknow And 7 Others

Counsel for Petitioner :- Brijesh Kumar Kuldeep

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel appearing for the petitioner and Ms. Deepshikha, learned Chief Standing Counsel appearing for the State.

2. Present petition under Article 226 of the Constitution of India has been filed seeking quashing of the order dated 06.04.2023 passed by Director, Directorate of Training and Employment, Guru Govind Singh Marg Bans Mandi Chauraha, Lucknow.

The petitioner has also sought quashing of the order dated 14.01.2020 passed by the Executive Engineer, Tube Well Division, Raebareli.

3. Claim of the petitioner is that he got registered with National Apprentice Portal vide Registration No.A031780033 and he applied for training of Hindi Steno as Apprentice at National Apprentice Portal. Name of the petitioner along with other apprentice trade was duly published under the head 'pending approval list'. The petitioner claims that his name was thereafter approved by the Irrigation Department, U.P. and he was selected to undergo apprenticeship training in the trade namely, Secretariat Assistant. The petitioner also claims that apprentice contract was duly signed by the petitioner and the Executive Engineer, Irrigation Department.

4. Learned counsel appearing for the petitioner submits that the petitioner was allowed to join apprentice training on 19.06.2017 and he has undergone apprentice training at Tube Well Division, Raebareli for 18 months since 19.06.2017. On completion of training, he claimed stipend vide impugned order dated 14.01.2020.

5. The petitioner never claimed stipend during his alleged training period. He claimed stipend only after 19.12.2018. From the record, it was found that without undergoing the training, he claimed stipend and, therefore, his claim was rejected and the certificate was also not issued.

6. Aggrieved by the aforesaid order, the petitioner approached this Court by filing Writ Petition No.2833(MS) of 2021, however, the said writ petition was dismissed vide order dated 02.02.2021 on the ground of availability of alternate statutory remedy.

7. Thereafter, the petitioner filed an appeal against the order dated 14.01.2020 before the Director, Directorate of Training and Employment, Guru Govind Singh Marg Bans Mandi Chauraha, Lucknow. Said appeal has been rejected vide impugned order dated 06.04.2023.

8. Considering the fact that the petitioner claims that he has undergone apprentice training but the competent authority has taken a view that the petitioner has never undergone any training as apprentice and he never claimed stipend during training period as his record of undergoing training is not available, this Court cannot grant any relief to the petitioner. Question involved in the writ petition is disputed questions of fact which cannot be decided in exercise of jurisdiction under Article 226 of the Constitution of India.

8. Dismissed.

(Dinesh Kumar Singh, J.)

Order Date :- 6.7.2023
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