

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6436 of 2015

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1. Ugra Mohan Singh S/o - Sri Madan Mohan Singh R/o Village - Sarbadipur, P.S.
- Kahalgaon, District - Bhagalpur.

.... Petitioner/s

Versus

1. National Thermal Power Corporation Limited, Kahalgaon, Super Thermal Power Project, Kahalgaon, Bhagalpur, through General Manager.
2. The General Manager, National Thermal Power Corporation Limited, Kahalgaon, Super Thermal Power Project, Kahalgaon, Bhagalpur.
3. The Deputy General Manager, Human Resources, National Thermal Power Corporation Limited, Kahalgaon, Super Thermal Power Project, Kahalgaon, Bhagalpur.
4. The Deputy Manager, Personnel and Administrative, Recruitment (Estt.), National Thermal Power Corporation Limited, Kahalgaon, Super Thermal Power Project, Kahalgaon, Bhagalpur.
5. The Senior Officer, Human Resources Department, National Thermal Power Corporation Limited, Kahalgaon, Super Thermal Power Project, Kahalgaon, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Singh

For the Respondent/s : Mr. ANIL KUMAR SINHA

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 25-08-2015

Heard counsel for the petitioner and counsel for the NTPC.

Petitioner felt aggrieved when an advertisement, contained in Annexure-1, was issued for recruiting people on the post indicated therein. He pleads that confining the upper age with regard to Post No.1, 2 & 3 to 42 years and giving an opening to a person for Post No.4 at 45 years of age is discriminatory.

It is the contention of the petitioner's counsel that there is element of mischief involved and deliberately the petitioner, who is an

oustee and his land was taken over is sought to be denied an opportunity of appointment, if not consideration.

Initially, when a counter was filed on behalf of the NTPC, it was very cursory. The stand taken by the counsel for the NTPC is that such a question was raised during the course of argument, therefore, they be given an opportunity to supplement the counter affidavit, which has now been done and a supplementary counter affidavit has been filed. The reason for keeping two different age groups for recruitment has been indicated in para 5 and 6.

The object and purpose for keeping two different age groups for recruitment, therefore, stands adequately explained. Effort of the petitioner to create a perception initially as a deliberate effort on the part of the NTPC, to have two different age groups, therefore, arbitrary or discriminatory, is not borne out.

It is made clear that the petitioner is an applicant for Post No.3, which is Artisan Trainee (Instrument Mechanic). Post No.4 is of a Lab Assistant. Therefore, he cannot see parity with yet another post, whose nature of work, qualification etc. are quite different from the post for which petitioner is an applicant.

Stand of the NTPC is that because of the object and purpose behind granting appointment to the land outsees, the age of recruitment has been enhanced. Such recruitment made at a very

belated stage also takes its toll on the quality of man power as well as their capability to work efficiently. Therefore, some cut off has to be applied and enough leeway has been granted to the persons belonging to the category of the petitioner by fixing maximum age to be 42 years.

Writ application therefore has no merit. The impugned advertisement does not require any interference.

Writ application is dismissed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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