

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11962 of 2013

- =====
1. Anand Kumar Akela Son Of Sri Tapsi Mahto Resident Of Village – Dadhapabigha, P.O. Amba, P.S. Kutmba, District - Aurangabad (Bihar)
 2. Rajiv Kumar Son Of Sri Chhathoo Prasad Resident Of Mohalla – Golaghat Shahtoll, P.O. + P.S. Danapur, District - Patna (Bihar)

.... Petitioners

Versus

1. The Union Of India Through The Chairman, Railway Board, Rail Bhawan, New Delhi
2. The General Manager, E.C. Railway, Hazipur, Vaishali
3. The Chairman, Railway Recruitment Board, Mahendru Ghat, Patna
4. The Assistant Secretary, Railway Recruitment Board, Mahendru Ghat, Patna
5. The Secretary, Bihar Intermediate Education Council, Budh Marg, Patna
6. The Deputy Secretary, Vocational Education, Bihar Intermediate Education Council, Budh Marg, Patna
7. Bablu Kumar Son Of Late Barudeo Prasad R/O Mohalla - Jamaluddin Chak, P.O. Khagaul, P.S. Danapur, District - Patna
8. Ratan Kumar Son Of Late Hazari Lal R/O Mohalla - Jamaluddin Chak, P.O. Khagaul, P.S. Danapur, District - Patna

.... Respondents

=====

Appearance :

For the Petitioners : Mr. Munna Prasad Dixit, Advocate.
For the Respondents : Mr. Sudhir Singh,
Mr. Piyush Lall and
Mr. Ajit Pratap Singh, Advocates.

=====

CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

and

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

2 04-02-2015

Heard the parties.

The petitioners are aggrieved by the order of the Central Administrative Tribunal, whereby their claim for being recruited as the Assistant Driver (Diesel/ Electrical) in the Railways has been rejected.

The case of the petitioners are that pursuant to the advertisement issued by the Railway Recruitment Board, Patna/ Muzaffarpur on or about 7th of May, 2004 as published in the daily newspaper (Annexure-1) they had applied. They went to the examination process but then they were not selected. On enquiry it was found that they were not selected because the Railways found that they were not eligible at all. Accordingly, they approached the Tribunal unsuccessfully and hence they came here.

Thus, the only question for consideration is whether the petitioners are eligible or not for the post of Assistant Driver (Diesel/ Electrical) as advertised by the Railways. The Educational qualification which is part of the eligibility clause reads as follows:-

Post & Scale		Qualification From Govt. Recognized University/ institution.
Assistant Driver (Diesel/ Electrical) Pay Scale Rs. 3050- 4590/- (RSRP)		Matriculation pass+ (i) ITI in specified trade/Act apprenticeship <u>OR</u> (ii) Diploma in Electrical/Mechanical/Electronics in lieu of ITI. <u>Relevant trades</u> are : (1) Fitter (2) Electrician (3) Instrument Mechanic (4) Mill Weight/ Maintenance Mechanic (5) Mechanic (Radio & TV (6) Electronics mechanic (7) Mechanic (Motor Vehicle (8) Wireman (9) Tractor Mechanic (10) Armature & Coil Winder (11) Mechanic (Diesel) (12) Heat Engine (13) Turner (14) Machinist (15) Refrigeration & AC Mechanic.



However, in simple understanding the educational qualification is that it contemplates two types of qualifications apart from the matriculation, i.e. either he has to be an I.T.I. trained certificate holder of 15 trades or he should be diploma holder for Electrical, Mechanical or Electronics. In case he is not an I.T.I. trained certificate holder there is no consideration of his eligibility. The petitioners have annexed their educational qualification which is matriculation and then they have a certificate of intermediate examination in Electronic Technology granted by the Bihar Intermediate Education Council. Obviously the two i.e. either I.T.I. or diploma in Engineering has not got the petitioners possess. Thus, obviously there being no concept of equivalency permissible by the Railways the petitioners lack basic eligibility in selection.

The learned counsel for the petitioners then submits that in the past the Railways have taken into account the equivalency. We cannot look to the past. If wrong had been committed we cannot allow it to be perpetuated. The advertisement does not have any equivalency.

That being so, this Court cannot issue any writ in this regard nor can it find any fault in the order of Tribunal in this regard. There cannot be staple at that time in statutory exercise of

power.

That being so, the writ petition has no merit which is accordingly dismissed.

(Navaniti Prasad Singh, J)

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--