

HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT APPEAL No.1041 of 2015

JUDGMENT: *(Per Hon'ble Sri Justice R.Subhash Reddy)*

This writ appeal, under Clause 15 of the Letters Patent, is filed aggrieved by the order dated 25.11.2015 in WPMP.No.48349 of 2015 in W.P.No.37584 of 2015 passed by a learned Single Judge of this Court.

The respondent – Air India Limited has issued notification inviting applications from Indian Nationals to fill up 180 posts of Pilots from amongst Trainee Pilots (CPL Holder from IGRUA/Open Market). In response thereto, the appellant/petitioner has applied for the said post. But the application of the appellant was rejected as not eligible on the ground that he does not possess Multi Engine Endorsement (MEE) experience as required under the notification. The writ petition is filed mainly questioning the reservation of 50% of the vacancies exclusively for Commercial Pilot Licence (CPL) Holders passing out from Indira Gandhi Rashtriya Udaan Academy (IGRAU). It is also the case of the appellant that the reason assigned for rejection of his application is illegal and contrary to the notification. The learned Single Judge, while dismissing the interlocutory application vide order dated 25.11.2015 in WPMP.No.48349 of 2015, made it clear that selections made pursuant to the present notification shall be subject to the result of the writ petition.

In this writ appeal, it is contended by Sri S. Ravindranath, learned

counsel for the appellant, that as per the notification, the certificate relating to technical qualification of MEE experience can be produced at the time of interview, but requirement of the same on the last date of receipt of application by the respondent is not necessary, as such, the reason assigned for rejection of the petitioner's application is illegal.

Learned counsel appearing for the respondent has submitted that pursuant to the notification, the written test comprising of an Aptitude Test and a Technical Knowledge Test was conducted on 11.10.2015 and Psychometric Test was conducted on 15.11.2015.

The last date for submission of the application was 27.08.2015. With regard to requirement of technical qualifications, the notification reads as under:

“TECHNICAL QUALIFICATIONS:

Candidates must be in possession of Indian:

- a) Current CPL/ATPL
- b) Current Flight Radio Telephone Operator's Licence
- c) Current C.O.P./R..T.R.
- d) Current Class-I Medical
- e) Valid ELP on CPL/ATPL
- f) Multi-engine Endorsement: with a minimum of 25 hours on Multi-engine aircraft
(10 hours can be completed on an approved multi-engine Simulator)
- g) Instrument rating on Multi-engine aircraft

Note: Candidates should fulfill the above Eligibility Criteria with regard to age, qualification and should also be in possession of the technical qualifications

as indicated at (a) to (e) above as “CURRENT” on the last date of receipt of application, at the time of verification of documents prior to Personal Interview as well as at the time of reporting for training.”

From a perusal of the notification, we are of the view that the requirement of possessing technical qualifications as per the eligibility criteria notified in the notification includes Multi-engine Endorsement with a minimum of 25 hours on Multi-engine aircraft (10 hours on an approved multi-engine Simulator) and further Instrument rating on Multi-engine aircraft. The submission of learned counsel for the petitioner that the certificates of technical qualifications as notified under (f) and (g) can be produced at the time of interview, cannot be accepted. Admittedly the petitioner has secured the eligibility criteria as notified under (f) only on 18.11.2015, whereas written test was conducted on 11.10.2015 and psychometric test was conducted on 15.11.2015. In that view of the matter, *prima facie* we are of the view that the petitioner has not fulfilled the eligibility criteria as notified in the notification issued by the respondent. With regard to the allegation of the reservation, learned Single Judge has already observed that the selections made pursuant to the present notification will be subject to result of the writ petition. Hence, we are of the view that there is no merit in this writ appeal so as to interfere with the order of the learned Single Judge.

Accordingly, the Writ Appeal is dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

01.12.2015

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