

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3385/2016

Prafulla s/o Wamanrao Hadekar

...Versus...

Union of India, through Secretary, Ministry of Oil & Gas, New Delhi and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri S.R. Deshpande, Advocate for petitioner

CORAM : SMT. VASANTI A. NAIK AND
MRS. SWAPNA JOSHI, JJ.

DATE : 21.06.2016

By this petition, the petitioner challenges the selection process adopted by the respondent – Oil and Natural Gas Corporation for appointment on the post of Assistant Technician (Electrical) by advertisement no.1 of 2013 and 4 of 2014. The petitioner seeks a declaration that the petitioner is entitled to be appointed on the post of Assistant Technician (Electrical), that was reserved for the Scheduled Castes, as per the advertisement no.4/14 i.e. reserved for the physically challenged.

In pursuance of an advertisement issued by the Oil and Natural Gas Corporation in the year 2013, the petitioner applied for the post of Assistant Technician (Electrical), that was earmarked for the Scheduled Castes. According to the advertisement, a candidate applying for the post of Assistant Technician (Electrical) was required to possess a three years

diploma in electrical engineering and a certificate of competency as an electrical supervisor. It is the case of the petitioner that the petitioner possesses both. According to the petitioner, the respondent – Corporation appointed 11 candidates that did not possess the competency certificate at the time of making of the applications. It is stated that the Corporation permitted the selected candidates to tender the proof of filing an application for securing the certificate at the time of selection and granted liberty to the candidates to produce the certificate before the appointment order was issued. It is the case of the petitioner that this course could not have been adopted by the respondent – Corporation, as it was necessary for the candidates to possess the competency certificate while applying for the post. It is stated that the petitioner has now learnt on an application under the Right to Information Act that the candidates, that were appointed in pursuance of the advertisement issued in the year 2013, had tendered the certificates after they were selected. It is stated that in the year 2014, the petitioner again applied for the post of Assistant Technician, that was reserved for the physically challenged. It is the case of the petitioner that though the petitioner is physically challenged, the petitioner was not appointed on the post reserved for the Corporation for the said category.

On hearing the learned Counsel for the petitioner and on a perusal of the writ petition and the documents annexed thereto, we find that the petitioner is not entitled to the relief claimed. We have perused the copy of the advertisement that provides for the essential qualification. A candidate applying for

the post of Assistant Technician (Electrical) was required to have a three years diploma in electrical engineering and also a certificate of competency as an electrical supervisor. The advertisement does not provide that the said certificate should have been possessed by the candidate at the time of making of the application. The candidates, that were selected by the Corporation, in pursuance of an advertisement issued in January, 2013, produced the documents before the Corporation to show that they had applied for the said certificate and before they were appointed, they had tendered the necessary certificate to the Corporation at the time of their appointment. All the appointed candidates have secured more marks than the petitioner. It is clear from the reply of the Corporation to the legal notice that the candidates, that had produced the proof of applying for issuance of an electrical competency certificate, were considered for interviews provisionally and only on the submission of the requisite certificate, they were appointed and allowed to join the duties in the Corporation.

As per the advertisement, issued in the year 2014, no post of Assistant Technician (Electrical) was earmarked for the Scheduled Castes, the category to which the petitioner belongs. Since there was no post reserved for the Scheduled Castes, the petitioner applied from the general category, mentioning that he was disabled, though no post was reserved for that category and only age relaxation was granted to the physically challenged candidates. The petitioner, therefore, had to compete along with the others from the open – general category. The cut off marks scored by the last candidate from the general category were 56%,

whereas the petitioner scored only 46.67%. Since the petitioner had scored very less marks as compared to the last selected candidate from the open category, the candidature of the petitioner was rightly rejected for appointment in pursuance of the advertisement of the year 2014 also. It is also notable that though the petitioner has made a grievance about the appointment of several candidates during 2013 and 2014, all of them have not been joined as parties.

As we do not find any illegality in the action of the Corporation in not appointing the petitioner on the post of Assistant Technician (Electrical), we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

Wadkar