

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

-
AND

-
THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

-
WRIT PETITION No. 1051 of 2016

-
ORDER: (per Hon'ble Sri Justice G. Chandraiah)

This writ petition is filed by the Union of India, South Central Railways, seeking writ of certiorari, declaring the order in O.A.Nos.1/2016 to 6/2016, dated 01.01.2016, on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, as illegal and arbitrary, and consequently to quash the same.

2. Though this matter is coming up for admission, in view of the nature of relief sought and the nature of *lis* that fell for consideration, we are inclined to dispose of the writ petition at the admission stage itself.

3. The facts of the case to the extent necessary are as follows:

The petitioners-Railways issued a Notification dated 16.02.2015 calling for applications in the prescribed proforma for the purpose of imparting training under the Apprentices Act, 1961. As per the notification, the selection process comprises of a written test for selecting the candidates for apprenticeship. While so, the Railways issued a Corrigendum dated 02.06.2015 modifying the selection process. Aggrieved thereby, the applicants approached the Tribunal by way of filing Original Applications i.e. O.A.No.1/2016 to O.A.No.6 of 2016.

It is the contention of the applicants before the Tribunal that as per the original notification there would be a written examination for selecting candidates for apprenticeship but the respondent-Railways

has changed the mode of selection by issuing a corrigendum and as per the corrigendum, the respondent-Railways is now proposing to draw a merit list based on the marks obtained by the candidates in ITI, Intermediate and Matric/SSC.

It is also the contention of the applicants before the Tribunal that the written examination itself is done away with, and the respondent-Railways has, by way of the corrigendum, prioritised the candidates by giving first priority to candidates with ITI qualification, and second priority to candidates with Intermediate qualification and third priority to those with Matriculation/SSC qualification. It is the further contention of the applicants that the Railways cannot change the Rules midway, and that they have applied with a fond hope of selection, as normally the apprentices are absorbed into regular services of the Railways as and when the vacancies arise after their successful completion of apprenticeship training, and that it is the last chance for certain candidates as per their age criteria, and the action of the respondent-Railways in changing the selection process to the detriment of the applicants, who had applied as per the eligibility criteria mentioned in the original notification, is illegal.

The Tribunal, by its orders dated 01.01.2016, after hearing the learned counsel for the applicants, directed the Railways to maintain status quo in respect of the selection process, pursuant to the Corrigendum dated 02.06.2015, till next date of hearing. Challenging the same, the present writ petition is filed.

4. Learned Standing Counsel for the petitioners-Railways contends that, in the first instance, the Tribunal has no jurisdiction to entertain the O.As., as the applicants are not employees under the Railways. It is also contended that the applicants have no manner of right to selection, much less prospective right to be absorbed into Railway service and that the corrigendum *per se* does not disqualify the

candidature of the applicants. It is further contended that the Tribunal, while directing the learned Standing Counsel to get instructions by the next date of hearing, erred in granting *ad interim* orders, and the said orders are coming in the way of selection process.

5. Having heard the learned Standing Counsel for the petitioners-Railways, we are of the view that the Tribunal, apparently, having regard to the facts of the case, was *prima facie* satisfied with the case advanced by the applicants and passed *ad interim* orders while directing the matter to be listed on 06.01.2016, by which date the learned Standing Counsel was directed to get instructions. Since the orders of status quo granted by the Tribunal are only *ad interim* orders, and as the matter is still under consideration before the Tribunal, it is always open to the Railways to take appropriate steps, including filing of a vacate petition seeking vacation of the status quo orders.

6. In that view of the matter, we are not inclined to interfere with the orders of the Tribunal exercising extraordinary jurisdiction under Article 226 of the Constitution of India.

7. Accordingly, the writ petition is dismissed. No costs. Miscellaneous petitions, if any pending, shall stand closed.

G. CHANDRAIAH, J

U. DURGA PRASAD RAO, J

19th January, 2016
ksm

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

-
AND

—

—

—

—

—

1

1

1

—