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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ LPA 204/2016

UTKARSH

..... Appellant

Through Mr. Deepender Hooda and Ms. Jyoti,
Advocates.

versus

CHAIRMAN & MANAGING DIRECTOR, AIR INDIA LIMITED

..... Respondent

Through Mr. Lalit Bhasin, Ms. Ratna Dwivedi
Dhingra and Ms. Bhavna Dhami, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

% **18.10.2016**

C.M.No. 34792/2016

Learned counsel for the respondent states that they have brought the answer sheet of the appellant-applicant and the file notings relating to qualifying marks.

In view of the statement made, the application is disposed of.

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The sealed cover produced by the respondent has been opened. It has two question papers, two answer sheets of the appellant and the original Minutes relating to recruitment of Trainee Pilots (CPL

Holder). These Minutes are undated, but the signature of Executive Director (Personnel & IR) is dated 11th June. It is stated at the Bar that the year in question is 2015. Photocopy of the said Minutes will be kept on record in a sealed cover.

As per the said Minutes, it was decided that all eligible candidates would undergo two written tests, namely, aptitude test and a technical knowledge test. Candidates belonging to general category to qualify for the second stage should score minimum 60% marks and in case of SC, ST and OBC category candidates, the qualifying score was fixed at 55% marks. The written tests were to be conducted by an outside agency. The aptitude paper test was to be totally devised by outside agency. For technical knowledge test paper was to be provided by the Executive Director (Training) to the outside agency.

The second stage i.e. Psychometric Test (Elimination Process) was to be conducted by an outside agency.

The respondents have also produced the mark sheets i.e. the marks obtained. The appellant was awarded 34 marks out of 100 and 21 marks out of 50 in the two tests.

Thus, the appellant did not qualify the written tests and was,

therefore, rightly not called for the Psychometric Test, the second stage of the selection process.

Counsel for the appellant in the aforesaid circumstances had drawn our attention to the advertisement dated 7th August, 2015 issued for recruitment of Trainee Pilots. He submits that the advertisement had stipulated that all eligible candidates would undergo a written test comprising of an aptitude test and a technical knowledge test and the candidates who qualify the written tests would be subjected to the Psychometric Test. The objection of the learned counsel for the appellant is that the marks required to qualify for the Psychometric Test were not specified in the advertisement.

We do not find any merit in the said contention. We have already noted the factual matrix. It is clear to us that the qualifying marks were specified and fixed on 11th June, 2015, before the advertisement was published 7th August, 2015.

In these circumstances, we are unable to fathom and understand how the appellant can claim that he was entitled to selection as he had failed in the written tests and did not qualify.

This appeal is accordingly dismissed.

We clarify that dismissal of the present appeal would not affect the appellant's right to contest LPA No. 394/2016 filed by Air India Ltd.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

OCTOBER 18, 2016
NA/VLD