

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3974 of 2018

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Pratap Kumar S/o Sri Dev Sharan Prasad Yadav Resident of Village-Kharagpur
P.O. Awgila Chaurasa, District-Jamui.

.... Petitioner/s

Versus

1. The Union of India through the Chairman, Railway Board (New Delhi).
2. The Chairman, Railway Recruitment Board, Muzaffarpur.
3. The Assistant Secretary, Railway Recruitment Board, Lichi Bagar Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad, Sr. Adv.
Mr. Ashok Kumar Singh, Adv.
For the Res. No. 2-3 : Mrs. Binita Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 22-03-2018

The petitioner preferred the writ application after the Central Administrative Tribunal dismissed the O.A. No. 893 of 2014 vide its order dated 30th August, 2017.

O.A. application was preferred by the petitioner for a direction upon the respondent railway authorities for issuance of an appointment letter on the post of Assistant Loco Pilot. The stand of the petitioner before the Tribunal was that he had the requisite experience besides the success which he had obtained in the written examination and there is no reason why he should not be appointed on the post.



From the narration and perusal of the records, it emerges that the petitioner had obtained some kind of testimonial from I.T.I functioning in the State of Uttar Pradesh which is known as Asha Industrial Training Institute, Firozabad.

Since the Tribunal did not find evidence and material that the testimonial of certificate issued from the said institution was recognized by the National Council or a State Council, the certification was not considered good enough for issuance of an appointment in favour of the petitioner.

This Court had also given an opportunity to the petitioner to produce any evidence including a notification that the said institution was recognized either by the National Council or the State Council but instead of the same, some kind of evidence was produced to show that the State of Uttar Pradesh, Department of Social Welfare had chosen this institution for imparting some kind of training for the residents of Uttar Pradesh as special employment generation skills.

A recognition by a Social Welfare Department to certain institutions as part of their policy for skill training cannot be treated to be equivalent to a recognition given by a National Council or a State Council.

Despite an opportunity given by this Court, nothing new has emerged besides what has been brought on record. Therefore, we



are not inclined to interfere with the order of the Tribunal because the eligibility and the requirement has to be fulfilled and not every acquisition of certification from any sources will fulfill the needs thereof.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Devendra/Arjun

AFR/NAFR	NAFR
CAV DATE	NA
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