

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2595 of 2017

1. Hari Singh Rana S/o Late D. S. Rana, Aged About 54 Years Training Officer, Govt. Industrial Training Institute, Bhilai, District Durg (CG)
2. Narendra Kumar Banchhore, S/o Shri D. R. Banchhore, Aged About 56 Years Training Superintendent, Industrial Training Institute, Khamhariya, District Bilaspur (CG)
3. Harish Kumar Sharma, S/o Late Jagmohan Sharma, Aged About 45 Years Training Superintendent, Industrial Training Institute, Parpodi, District Durg (CG)
4. Ram Lal Divya S/o Shri P. K. Divya, Aged About 43 Years Training Superintendent, Industrial Training Institute, Kartala, District Korba (CG)
5. Purnesh Tandan S/o Shri N. P. Tandan, Aged About 44 Years Training Superintendent, Industrial Training Institute, Katgodi, District Korba (CG)
6. Homan Ram Nagre S/o Shri Rama Nagre, Aged About 47 Years Training Superintendent, Industrial Training Institute, Badekareli, District Dhamtari (CG)

---- Petitioners

Versus

1. State Of Chhattisgarh Through Department Of Technical Education, Mantralaya, Mahanadi Bhawan, Naya Raipur, District Raipur (CG)
2. Director-Cum-Commissioner, Directorate Employment And Training, Indrawati Bhawan, Block 04, First Floor, Naya Raipur, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Union Of India, Through Director General Of Training, Ministry Of Skill Development And Entrepreneurship M S D E Shram Shakti Bhawan, Rafi Marg, New Delhi.
4. Secretary, Public Service Commission, Shahid Bhagat Singh Chowk, Shankar Nagar Road, Raipur, District Raipur, Chhattisgarh
5. Linus Minj, Aged About 60 Years ITI, CTI Training Superintendent, Govt. ITI Tapkara, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh
6. Vijay Kumar Patric, Aged About 53 Years I T I Drawftsmen Civil , Training Superintendent, Govt. I T I Jagdalpur, District : Bastar(Jagdalpur),
7. Gorakh Prasad, Aged About 51 Years I T I Welder , Training Superintendent, Govt. I T I Bhilai, District Durg (CG)
8. B. Kuzur, Aged About 61 Years I T I Fitter , Training Superintendent, Govt. I T I Pathalgaon, District Jashpur (CG)

9. Ram Kumar Bhagat, Aged About 58 Years Training Superintendent, Govt. I T I Chendra, District Surajpur (CG)
10. Girwar Singh Sidar, Aged About 53 Years I T I Turner , Training Superintendent, Govt. I T I Malkharoda, District Janjgir- Champa (CG)
11. Chhatrapal Singh Kanwar, Aged About 58 Years I T I Turner , Training Superintendent, Govt. I T I Ambikapur, District : Surguja (Ambikapur) (CG)
12. Pravin Kumar Naidu Aged About 55 Years ITI Electrical, Training Superintendent, Govt. I T I Saragaon, District Janjgir-Champa (CG)
13. Amar Khalko, Aged About 56 Years I T I Welder , Training Superintendent, Govt. I T I Kharsiya, District Raigarh Chhattisgarh.
14. Samaliya Ram Thakur Aged About 60 Years I T I Wireman, Through Director- Cum- Commissioner, Directorate, Employment And Training, Indrawati Bhawan, Block No. 4, New Raipur, District Raipur (CG)
15. R. M Pandey, Aged About 61 Years I T I Surveyor , Training Superintendent, Govt. I T I Mana, District : Raipur, Chhattisgarh
16. Mohan Lal Banjare, Aged About 53 Years I T I Fitter , Training Superintendent, Govt. I T I Sariya, District : Raigarh, Chhattisgarh
17. S. D. Bhuskutekar, Aged About 54 Years I T I , L P M, Training Superintendent, Govt. I T I Sargaon, District : Balod, Chhattisgarh
18. Nand Lal Dhumkete, Aged About 54 Years I T I Fitter , Training Superintendent, Govt. I T I Kabirdham, District : Kawardha (Kabirdham), Chhattisgarh
19. B. S. Dhurve Aged About 47 Years I T I C T I , Training Superintendent, Govt. I T I Mainpur, District : Gariyabandh, Chhattisgarh
20. Anil Kumar Gardiya, Aged About 58 Years I T I Welder , Training Superintendent, Govt. I T I Hathband, District Balodabazar Bhatapara Chhattisgarh.
21. Motichandra Prasad, Aged About 60 Years I T I Molder , Through Director- Cum- Commissioner, Directorate, Employment And Training, Indrawati Bhawan, Block No. 4, New Raipur, District : Raipur, Chhattisgarh
22. Harshit Minj, Aged About 53 Years I T I Turner , Training Superintendent, Govt. Mahila I T I Ambikapur, District : Surguja (Ambikapur), Chhattisgarh
23. Bhuvan Lal Barle Aged About 59 Years I T I Turner , Training Superintendent, Govt. I T I Nagari Shihawa, District Dhamtari Chhattisgarh.
24. V. K. Mishra, Aged About 61 Years I T I Machinist , Training Superintendent, Govt, I T I Bhatapara, District Balodabazar- Bhatapara Chhattisgarh.
25. Lalmani Singh, Aged About 61 Years I T I Fitter , Training Superintendent, Govt, I T I Koni, District Bilaspur Chhattisgarh.

26. U. V. Kale, Aged About 61 Years I T I R A C, Training Superintendent, Govt. I T I Bhilai, District Durg Chhattisgarh.
27. Dilip Singh Jagat, Aged About 53 Years I T I Welder , Training Superintendent, Govt. I T I Mahasamund, District : Mahasamund, Chhattisgarh
28. R. S. Bajpai Aged About 59 Years I T I Instrument , Training Superintendent, Govt. I T I Kurud, District Dhamtari Chhattisgarh.
29. G. R. Sahu, Aged About 58 Years I T I C T I , Training Superintendent, Govt. I T I Marwahi, District Bilaspur Chhattisgarh.
30. V. N. Shukla, Aged About 58 Years I T I Welder , Training Superintendent, Govt. I T I Bhilai, District Durg Chhattisgarh.
31. R. G. Tiwari, Aged About 54 Years I T I Surveyor , Training Superintendent, Govt. Mahila I T I Korba District : Korba, Chhattisgarh
32. H. U. Siddique, Aged About 59 Years I T I C T I , Training Superintendent, Govt. I T I Bhilai, District Durg Chhattisgarh.
33. Avinash Patil, Aged About 58 Years I T I Welder , Training Superintendent, Govt. I T I Gunderdehi, District Balod Chhattisgarh.
34. L. L. Gabhel, Aged About 55 Years I T I Machine, Gri , Training Superintendent, Govt. I T I Mana, District Raipur Chhattisgarh.
35. K. L. Patel, Aged About 57 Years I T I , Training Superintendent, Govt. I T I Raigarh, District Raigarh Chhattisgarh.
36. S. R. Kurre, Aged About 53 Years I T I Draftsman Civil , Training Superintendent, Govt. I T I Kasdol, District Balodabazar-Bhathapara, Chhattisgarh
37. A. K. Tembhekar, Aged About 60 Years I T I Electician , Training Superintendent, Govt. I T I Durg, District : Durg, Chhattisgarh
38. A. Patil Aged About 60 Years I T I Drawing , Through, Secretary Trade Testing Cell, Old N. R. D. A. Building, Infront Of Mahanadi Bhawan, New Raipur, District Raipur, Chhattisgarh.
39. D. P. Dahre Aged About 58 Years I T I Electronics , Training Superintendent, Govt. I T I Bhilai, District Durg, Chhattisgarh
40. K. L. Ajgale, Aged About 46 Years I T I Electronics , Training Superintendent, Govt. I T I, Koni, District Bilaspur Chhattisgarh.
41. S. D. Khilari, Aged About 47 Years I T I Black Smith , Training Superintendent, Govt. I T I, Sanjari, District Balod Chhattisgarh.
42. D. K. Khobragade, Aged About 51 Years I T I Instument Mechanic , Training Superintendent, Govt. I T I, Bhilai, District Durg Chhattisgarh.
43. Smt. Mamta Bhimte Aged About 48 Years B A Secretarial Practice , Training Superintendent, Govt. I T I, Bhilai, District Durg Chhattisgarh.

44. H. L. Koshle, Aged About 54 Years I T I Draftsman Mechanic , Training Superintendent, Govt. I T I, Bilha, District Bilaspur Chhattisgarh.
45. Smt. Shiva Khobragade, Aged About 45 Years Diploma Secretarial Practice , Training Superintendent, Govt. I T I, Bhilai, District Durg, Chhattisgarh
46. T. R. Dhruw, Aged About 51 Years I T I Electronics , Training Superintendent, Govt. I T I, Bhilai, District Durg Chhattisgarh
47. S. N. Baiga, Aged About 52 Years I T I Turner , Training Superintendent, Govt. I T I, Bagicha, District Jashpur, Chhattisgarh
48. Ful Singh Kanwar, Aged About 53 Years I T I Draftsman Mechanic , Training Superintendent, Govt. I T I, Pali, District Korba Chhattisgarh.
49. T. S. Gavare Aged About 55 Years I T I Motor Mechanic , Training Superintendent, Govt. I T I, Rajnandgaon Chhattisgarh.
50. R. K. Tarak, Aged About 52 Years N T C/ Mechanic Radio- T V , Training Superintendent, Govt. I T I, Mana, Raipur, District : Raipur, Chhattisgarh
51. B. N. Banshi, Aged About 47 Years I T I R T V , Training Superintendent, Govt. I T I, Samari, District : Surguja (Ambikapur), Chhattisgarh
52. G. S. Netam, Aged About 49 Years I T I Electronic , Training Superintendent, Govt. I T I, Pratappur, District : Surajpur, Chhattisgarh
53. G. S. Neti, Aged About 53 Years I T I Motor Mechanic , Training Superintendent, Govt. I T I, Korba District : Korba, Chhattisgarh
54. B. R. Ekka, Aged About 53 Years I T I Welder , Training Superintendent, Govt. I T I, Rajpur, District Surguja (Ambikapur), Chhattisgarh
55. L. S. Thakur Aged About 56 Years I T I Wireman, Through Director- Cum- Commissioner, Directorate, Employment And Training, Indrawati Bhawan, Block No. 4, New Raipur, District Raipur Chhattisgarh.
56. G. R. Thakur, Aged About 53 Years I T I Carpenter , Training Superintendent, Govt. I T I, Jagdalpur, District : Bastar (Jagdalpur) CG.
57. Chandu Lal Gaud, Aged About 46 Years I T I Fitter , Training Superintendent, Govt. I T I, Akaltara, District Janjgir- Champa Chhattisgarh.
58. M. R. Dhruw, Aged About 48 Years I T I Electrician , Training Superintendent, Govt. I T I, Dhamtari, District Dhamtari, Chhattisgarh
59. F. Ekka, Vice Principal, I T I Lakhanpur, District: Surguja (Ambikapur), Chhattisgarh
60. R. L. Kanwar, Vice Principal, I T I Gourela, District Bilaspur Chhattisgarh
61. T. S. Dhruw Vice Principal, I T I Balodabazar, District : Balodabazar- Bhathapara, Chhattisgarh

---- Respondents

WPS No. 4624 of 2017

- Awanish Pathak S/o Shri Ram Krishna Pathak, Aged About 55 Years At Present Posted As In Charge Principal, Govt. I T I Patan District Durg, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Secretary, Department Of Technical Education, Mantralaya, Capital Complex, Mahanadi Bhawan, New Raipur, Civil And Revenue District Raipur, Chhattisgarh.
- Director Cum Commissioner, Directorate, Employment And Training, Indrawati Bhawan, Block-4, 1st Floor, New Raipur, Civil And Revenue District Raipur, Chhattisgarh.

---- Respondents

WPS No.2595/2017

For Petitioners	:	Shri Rohitash Singh, Advocate.
For Respondent-State	:	Shri A.S. Kachhawaha, Addl Adv. General.\
For Respondent No.4	:	Shri Sudeep Agrawal, Advocate
For Respondents	:	Shri Amrito Das, Advocate.

WPS No.4624/2017

For Petitioners	:	Shri Uttam Pandey, Advocate.
For Respondents	:	Shri A.S. Kachhawaha, Addl Adv.General .

Hon'ble Shri Ajay Kumar Tripathi, CJ
Hon'ble Shri Parth Prateem Sahu,J

Order on Board

Per Ajay Kumar Tripathi, CJ

08/10/2018

1. Above two writ applications came to be filed challenging the constitutional validity of amendment brought about to the Chhattisgarh Industrial Training (Gazetted) Service (Recruitment & Conditions of Service) Rules, 2013 and amendment made thereto vide Notification Dated 3.6.2017 (Annexure P-1).
2. The petitioners are either Degree or Diploma Holders in Engineering and were appointed as Training Officers / Training Superintendents in the

Institutes of Industrial Training (ITIs) of the State. Earlier the service conditions were governed by the Madhya Pradesh Industrial Training (Gazetted) Service (Recruitment & Conditions of Service) Rules, 1965 but after creation of the State of Chhattisgarh similar rules were notified in the year 2005. A re-drawn recruitment rules also came to be notified in the year 2013 and then an amendment was notified on 1.6.2017.

3. We are not concerned about the other changes. The attack is on the dilution which has been made by way of amendment in the year 2017 where not only the Training Superintendents/Technical Assistants but also the holders of certificate of Craftsmen Training Scheme (CTS), issued by the National Council of Vocational Training (NCVT), were given avenues of promotion to the post of Principal Class II / Vice Principal.
4. Argument on behalf of the petitioners is that all along the Central Government, especially the Director General of Training, have laid down minimum standards and requirements for appointment and promotion in the IITs across the country and all along they have insisted on a minimum degree of engineering or diploma in engineering for any promotion to the post of Principal Class-II / Vice Principal. However, the State Government by allowing such certificate holders of vocational training would be doing violence to the guidelines as well as standards which were required to be maintained for holders of post of Principal Class-II / Vice Principal.
5. Argument advanced on behalf of the petitioners could have merited consideration provided the original standards and norms which the petitioners had talked about remained so and still occupied the field. There cannot be any argument that the standards and norms are laid down by the Central Government and all the State authorities, by and large, are required to adhere to the same.

6. Learned counsel representing the respondents however pointed out that the Central Government itself decided to issue a notification dated 7.1.2016 (Annexure P-9) where certain norms were relaxed for grant of promotion to the post of Principal or Group Instructor. This notification was issued after a Sub-Committee approved the guidelines for career progression for Instructors of ITIs. The guidelines issued on 7.1.2016 states the following:-

“(i) For promotion to the post of Principal and Group Instructor 25% of post in promotion quota will be reserved for degree holders. Remaining 75% will be filled on seniority basis considering all i.e. Degree (remaining not covered under 25%) / Diploma / CTS holders.”

It is only after the Government of India issued such a guideline and direction to ensure career progression for Instructors of IITs that the State of Chhattisgarh issued the amendment in the year 2017 to bring it at par with the directions of the Central Government. However, the said notification carried some errors, therefore, further corrigendum was notified on 19.6.2017. Said amendment now reads as under:-

“Note:- 25% post out of 50% posts of Principal Class-II, Placement Officer and Assistant Director Training (Technical) to be filled by promotion, shall be filled from those Training Superintendent, who have Engineering Degree and remaining 75% posts shall be filled on seniority basis as per Gradation list of Training Superintendent having Engineering degree/diploma/CTS holders.”

7. If the norms and standards have been revisited by the Central Government, which has the authority to notify and issue directions, and if the State authorities thereafter have followed the same and brought about changes to the Rules to harmonize the two, merely because these petitioners apprehend that new norms may come in the way of their future promotional prospects by more claimants, that cannot become a ground for setting aside such amendment as unconstitutional.
8. Nothing has been pointed out to us as to how the said amendment notified by the State Government lacks legislative competence or violates any other constitutional provision including Articles 14 & 16 of the Constitution of India.
9. The challenge, therefore, made in these two writ applications are basically a futile effort to block the future avenues of promotion which have been created for the career progression for Instructors of IITs.
10. The writ applications therefore stand dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-