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HIGH COURT OF CHHATTISGARH, BILASPUR**WPC No. 2731 of 2017**

1. Amit Kumar S/o Shri Laxman Ram Aged About 26 Years R/o Village Patelpara, Tahsil Ramanujnagar, District Surajpur Chhattisgarh
2. Anant Ram Rajwade S/o Shri Roopsay Rajwade Aged About 28 Years R/o Ward Number 09, Rajwar Para, Lakhanpur, District Surajpur Chhattisgarh
3. Madan Beck S/o Shri Kalyan Beck Aged About 29 Years R/o Village Sarima, Post Sihar, Tahsil Shankargarh, District Balrampur Chhattisgarh
4. Vijay Kumar Sahu S/o Govind Sahu Aged About 25 Years R/o 756, Ward Number 4, Chopda Colony, Bishrampur, District Surajpur Chhattisgarh
5. Punita Netam D/o Shri Ganguram Netam, Aged About 27 Years R/o Khallari, Sarona, District Kanker Chhattisgarh
6. Pushpendra Kumar S/o Devendra Kumar Aged About 27 Years R/o 11 Ward Number 3, Patel Para, Navagaon, Narayanpur, District Bemetara Chhattisgarh
7. Santosh Kumar Bada S/o Manohar Ram Aged About 28 Years R/o Village Shrikot, Post Jawaharnagar, Sirkot, District Sarguja Chhattisgarh
8. Tikeshwar Kumar S/o Shri Keshav Ram, Aged About 29 Years R/o Ward No. 4 Sai Colony Utai, Durg Chhattisgarh
9. Khomlal S/o Shri Biharilal Aged About 31 Years R/o 13/b, L Pocket, Maroda Sector, Bhilai, District Durg Chhattisgarh
10. Puja Rani D/o Tukaram Dewangan Aged About 32 Years R/o 36 Selud, Tehsil Patan, District Durg Chhattisgarh

---- Petitioners**Versus**

1. Union Of India Through The Secretary, Ministry Of Skill Development And Entrepreneurship 2nd Floor, Annexe Building Shivaji Stadium, Shaheed Bhagat Singh Marg, Connaught Place, New Delhi 110001
2. Directorate General Of Training, Ministry Of Skill Development And Entrepreneurship, Shram Shakti Bhawan, Rafi Marg, New Delhi. 110001
3. State Of Chhattisgarh, Through The Secretary, Department Of Skill Development, Technical Education And Employment, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
4. Directorate Of Technical Education, Through The Director, Hod Building, Block 3, 3rd And 4th Floor Indravati Bhawan, Naya Raipur District Raipur Chhattisgarh
5. Industrial Training Institute, Through The Principal, Kurud, District Dhamtari, Chhattisgarh

---- Respondents

For Petitioners	: Shri Utsav Mahiswar, Advocate.
For Respondent/UOI	: Shri B.Gopa Kumar, Assistant Solicitor General.
For Respondent/State	: Shri Prasun Bhaduri, Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

04/12/2018

Per Ajay Kumar Tripathi, Chief Justice

1. Heard counsel for the parties.
2. The Petitioners are fresh diploma/certificate holders who have obtained training from Industrial Training Institutes (hereinafter referred to as the 'ITI'). They are challenging the notification dated 31.07.2017 issued by the State of Chhattisgarh where amendment has been brought about in Schedule-III of the Chhattisgarh Industrial Training (Non-Gazetted) Class-III Service Recruitment Rules, 2014 (hereinafter referred to as the '2014 Rule') wherein teaching experience has been made mandatory for appointment on the post of Training Officers. Petitioners want quashing of Annexure P/1 dated 31.07.2017, especially Schedule-III relating to Training Officer. Schedule-III of 2014 Rule reads as under:-

“SCHEDULE - III
(See rule 8)

S. No.	Name of service of post	Minimum age limit	Maximum age limit	Prescribed educational qualification
(1)	(2)	(3)	(4)	(5)

TECHNICAL CADRE

1.	Training Officer (Electronics, Radio and Television Mechanic Trade)	18 years	30 years (35 years for domicile resident of State of Chhattisgarh)	(1) Passed High School or Old 11 th from recognized Board, with Mathematics, Physics and Chemistry or equivalent examination. (2) The candidate should have passed National Trade Certificate from National Council for Vocational Training or State Trade Certificate from State Council for Vocational Training or National Apprentice Certificate from National Council for Vocational Training in relevant Trade or
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				Degree / Diploma in Electronics Engineering or equivalent branch from recognized University or Board. (3) Experience:- For Degree Holder : One year teaching experience in relevant field of trade. For Diploma Holder : Two year teaching experience in relevant field of trade. NAC/NTC Holder : Three year teaching experience in relevant field of trade.
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3. The main thrust of the argument made on behalf of the Petitioners is that the teaching experience having been made mandatory, a fresh pass out will never be able to get employment on the same said post, because where is the opportunity and scope for acquiring teaching experience for a fresh pass out.
4. No other point as such has been urged, based on which, the amendment in question could be struck down as ultra vires the law.
5. When the matter was earlier taken up, a direction was issued upon the Respondents which includes the State as well as the Union of India to file their return and explain the background under which 2014 Rule was notified.
6. The stand of the Union of India is that the National Council for Vocational Training (hereinafter referred to as the 'NCVT') was set up by the Government of India in the year 1956 as an advisory body to the Government of India. The primary reason for formation of the NCVT was to prescribe standards and curricula for Craftsman training and on the overall policy and programme in conducting an All India Trade Tests and award National Trade Certificates. This was part of the exercise to provide vocational training across the country, especially to such students who may not be too good in the conventional method of education.

7. Since vocational training is in concurrent list, the NCVT develops training schemes at national level, lays down training standards and norms for conduct of examinations and certifications which would guide the ITIs across the country.
8. In the 41st meeting of the NCVT held on 30.04.2014 under the Chairmanship of Hon'ble Minister of Labour and Employment, the Council approved certain qualifications for Vocational Instructors of Trades under the Craftsman Training Scheme. This was done with the object to ensure that the Instructors are well aware of the latest hands on skills, applied in the industries and training institutes, to ensure better quality training, which in turn, will ensure their employability in future. The decision was taken in the interest of quality training and to maintain uniformity in vocational training across the country.
9. The NCVT communicated its decision to all the State Governments for them to adopt or apply in their respective State.
10. The stand of the State in their return besides giving the background relating to the formation of NCVT or State Council for Vocational Training (hereinafter referred to as the 'SCVT'), have taken a stand that the amendment is conformity with the decision of the NCVT. Since the said recommendation of the NCVT was in the interest of quality training and maintaining standards of the education, the corresponding amendment has been brought about in Schedule-III to Annexure P/1 dated 31.07.2017.
11. Since nothing in terms of pleading or argument has been pointed out to the Court in relation to the power of the NCVT to lay down norms and standards, nor is it urged and argued that the State of Chhattisgarh lacks competence to make such Rules or that Rule violates any constitutional right, the Rules cannot be struck down on the ground that it is coming in the way of fresh pass outs from being considered for appointment as Training Officers in ITIs.

12. Laying down norms of either educational qualification or experience in various kinds of employment is not alien to the concept. More so, when it has been done to keep pace with the standards and changes coming about in the industries and where future employability is becoming more and more difficult due to keen competition and quality, such changes and reviews are integral to such decision making. We do not find any irrationality in the decision so taken by the NCVT and adopted or incorporated in the Rule notified by the State of Chhattisgarh.

13. The effort therefore at challenging the amendment to Schedule-III in relation to Training Officers therefore fails. Writ application is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE