

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 11415 OF 2016
WITH
CIVIL APPLICATION NO. 1623 OF 2017
IN
WRIT PETITION NO. 11415 OF 2016**

Bhagyesh Deelipsingh Chaudhari ..PETITIONER

VERSUS

State of Maharashtra and Others ..RESPONDENTS

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Mr. S.V. Dixit, Advocate for petitioner.

Mr. S.P. Tiwari, A.G.P. for respondent – State.

Mr. S.V. Deshpande, A.S.G. for respondent nos. 2, 3, 5 and 8.

Mr. M.N. Navandar, Advocate for respondent no.4.

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**CORAM : S.V. GANGAPURWALA AND
R.G. AVACHAT, JJ.**

DATED : 22nd NOVEMBER, 2018

ORDER :

Mr. Dixit, the learned Counsel for the petitioner submits that Respondent no.3 be directed to recognize trade of Operator Advance Machine Tool for the purpose of apprenticeship and employment and further grant relaxation of upper age limit to the petitioner and the similar situated students. He further submits that the petitioner has completed Operator Advance Machine Trade Tool from the year 2012 to

2014 from Respondent no.6. Respondent nos. 4 and 5 are not implementing the directions issued by Respondent no.3 to them under letter dated 27th January, 2016. The trade of Operator Advance Machine Tool under Draftsman Training Scheme is offered at Industrial Training Institutes at Solapur, Nashik, Pune and Jalgaon. The petitioner, at the time of taking education, was assured that after successful completion of said trade, he would be offered opportunities of employment as provided in the information brochure. Except Ordnance Factory at Katni, Madhya Pradesh, no opportunity of employment is available anywhere in any of the Department in Central or State Government. Even the posts which were earlier available in the year 2013 in Ordnance Factory at Katni, Madhya Pradesh were also withdrawn. The age limit is also prescribed for applying for apprenticeship. As trade of Operator Advance Machine Tools is not recognized by any Government, Semi-Government or Public Sector undertakings, no opportunity of apprenticeship is available to the petitioner and similarly situated students. They would be deprived of opportunity of employment.

2. Mr. Deshpande, the learned Assistant Solicitor General of India, submits that the Director in the office of Ordnance Factory Board, Kolkata has filed an affidavit and the draft rules are prepared in which

Operator Advance Machine Tools was proposed to be included and the draft rules are also forwarded to the Ministry of Defence for approval. Once the draft rules are approved, grievance of the petitioner would stand redressed.

3. Respondent no.8 has filed affidavit. The relevant part of the affidavit as thus :-

“Therefore, I say and submit that, though it is fact that, the trade 'Operator Advance Machine Tool' is not prescribed in the existing Recruitment Rules, OFB has included the said trade in the proposed revised SRO to make eligible for applying against the Post of Bar Mill Operator/Semi-skilled and Machinist/Semi-skilled. I say and submit that, as stated above, even draft revised SRO has been submitted to the Ministry of Defence. After approval of the draft revised SRO by Ministry of Defence, NAC/NTC holders in the trade of 'Operator Advance Machine Tool' will be eligible for applying against the posts of Bar Mill Operator/Semi-skilled and Machinist/Semi-skilled for direct recruitment. I say that, in view of filing of the petition, OFB will again pursue the matter with the Ministry of Defence.

3. I further say and submit that, NAC/NTC holder will become eligible for the posts mentioned above after approval of the draft revised SRO. I further say and submit that, though

NAC is higher than NTC, both the NAC and NTC are issued by the National Council for Vocational Training and therefore, both the certificates are allowed for appointment in the post of Tradesman/Semi Skilled.

Therefore, I say and submit that, the answering respondent has already initiated action as prayed by the petitioner. Therefore, no order be passed against the answering respondent. I therefore, pray for dismissal of the petitioner particularly against the answering respondent.”

4. Naturally, the petitioner is in precarious position. He is not getting an opportunity of apprenticeship and further the trade of Operator Advance Machine Tools is not recognized under the Rules.

5. Respondent no.8 has taken corrective measures and draft Rules are prepared in which the said opportunity has been included. The Rules are sent for approval to the Ministry of Defence and once said Rules are approved, the grievance of the petitioner would stand redressed. It is also stated in the affidavit that OFB will pursue the matter with the Ministry of Defence. It is expected that same shall be pursued immediately and the decision be taken expeditiously upon sanctioning of the Rules by the Competent Authority.

6. Mr. Navandar, the learned Counsel for Respondent no.4 – Railways submits that Operator Advance Machine Tool trade is under consideration for certain posts under mechanical directorate and the decision in that regard would also be taken expeditiously.

7. In light of the above, no further order is required to be passed. If the grievance of the petitioner does not stand redressed in as much as the Rules are not approved within a reasonable time, the petitioner is at liberty to agitate afresh. Writ petition is disposed of. No costs. In view of disposal of writ petition civil application does not survive and same is also disposed of.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

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