

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4954 of 2019

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1. Akash Kumar and Ors S/o Ashok Prasad resident of Village and P.O. and P.S.- Sarmera, District- Nalanda (Bihar).
 2. Pankaj Kumar Jaiswal S/o Jagdish Prasad Jaiswal resident of Village- Mahmadpur Bhav, P.S. Pratapgarh, District- Pratapgarh (U.P.)
 3. Priyanka Kumari D/o Ashok Prasad resident of Village- Bhandaridah, P.S. Bermo, District- Bokaro (Jharkhand).
 4. Indrajit Kumar S/o Kamata resident of Village- Govindpur, P.S. Sarmera, P.O.- Baruane, District- Nalanda.

... .. Petitioner/s

Versus

1. Bihar State Power (Holding) Company Limited and Anr Vidyut Bhawan, Bailey Road, Patna.
2. The General Manager (HR and Admn.) Bihar State Power (Holding) Company Limited, Vidyut Bhawan, Bailey Road, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ganesh Sharma
For the Respondent/s : Mr.Vinay Kirti Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 29-08-2019

Heard learned senior counsel for the petitioners and
learned counsel for the respondents-Company.

Employment notice was issued by the respondents-company in the year 2018 for employing Assistant Operator/ Junior Line Man/ Switch Board Operator II- Technician Grade IV in the Bihar State Power (Holding) Company Limited. Entire issue raised in the writ proceedings revolves around the requisite technical qualification in terms of the advertisement. The same is prescribed in clause 2 of the advertisement and is being reproduced here for easy reference:-



“Technical Qualification:- Must have ITI Certificate in Electrician Trade from any institution recognized by National Council for Vocational Training, New Delhi (NCVT)/ State Council for Vocational Training (SCVT)”

Petitioners participated in the selection process with the specific requisite qualification as taken note of hereinabove. Result for the post was published on 21.12.2018.

Petitioners were not offered appointment on the ground that they did not fulfil requisite technical qualification in terms of clause 2 of the advertisement.

Writ petition has been filed in March, 2019 roughly four months after result was published whereby petitioners were held disqualified. Relief has been claimed that the petitioners should be treated as possessing the qualification equivalent to requisite technical qualification and as such authorities should be directed to appoint the petitioners.

Learned Senior Counsel for the petitioners has placed heavy reliance on the clarification issued by the Government of India on 06.07.2010. Clarification is relied upon since petitioners possess National Apprenticeship Certificate (in short “NAC”). The same is issued and recognized by National Council for Vocational Training, New Delhi (NCVT) and as such NAC certificate issued to the petitioners in light of clarification of the Government of India could not be overlooked. Petitioners having possessed NAC were required to be considered in the process of selection being equivalent to ITI Certificate



which was requisite technical qualification in terms of clause 2 of the advertisement.

Learned counsel for the respondents-company has laid emphasis on the requisite technical qualification prescribed in clause 2 of the advertisement. She has pointed out that ITI certificate was required to be from any “institution” recognized by National Council for Vocational Training (NCVT) or State Council for Vocational Training (SCVT). Referring to NAC certificate issued to the petitioner, it is pointed out that the petitioners had acquired their apprenticeship from Industry or Factory and not from the “institution” recognized by NCVT or SCVT. Specific requirement in terms of advertisement was that applicant had to possess ITI certificate of Electrician Trade from any “institution” and not “Industry or Factory”.

Counsel for the respondents-company has pointed out that from the NCA certificate submitted by the petitioners in support of their candidatures, it is apparent that the petitioners had received Apprenticeship Training under Apprenticeship Act, 1961 at M/s Motherson Sumi Electric Wire Ltd, Noida or ANG Industry Limited and they have not acquired their trade certificate from any “institution”.

In view of specific requirement in terms of the advertisement, applicants who had acquired certificate from institution, could only be considered.

This Court would observe that authorities are obliged to strictly adhere to the terms of advertisement and requisite qualification



prescribed therein. Petitioners were conscious of the requirement of trade certificate being from any “institution”. Such requirement in terms of the advertisement has never been challenged by the petitioners. Petitioners have approached this court after having participated in the selection process in which requisite technical qualification was ITI certificate of Electrician Trade from “Institution” and the petitioners had been declared unsuccessful in terms of the advertisement. Now they cannot be permitted to make a volte face and turn around and challenge the result.

This Court would observe that the petitioners have not been able to make out any legal enforceable claim.

Writ petition is devoid of merit and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	13.9.2019
Transmission Date	NA

