

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8557 of 2019

ORDER:

Heard Sri B.Kiran Kumar, learned counsel for the petitioners and Sri J.Sreenivasa Rao, learned Standing counsel for respondents 1 to 3.

This writ petition is filed seeking the following relief :-

“.....Mandamus (i) declare the action of the respondents in not issuing orders of appointment and posting to the petitioners as Moulder Trainee, Category-I (External) pursuant to the selections conducted in terms of Employment Notification No.05/2017, as illegal and arbitrary.

(ii) consequently direct the respondents to appoint the petitioners as Moulder Trainee, Category-I (External) in terms of Employment Notification No.05/2017

(iii) and pass such other order or orders

It has been contended by the petitioners that the Government had issued a Employment Notification No.05/2017 and that they have responded to the said Notification, as they are fully eligible and qualified to be appointed as Moulder Trainees, Category-I(External) in terms of the said Notification. After undergoing regular selection process, they were provisionally selected. But the respondents have not issued appointment and posting orders to the petitioners on the ground that petitioners do not have requisite qualification, as per the Notification.

Learned counsel for the petitioners contends that the Directorate General of Employment and Training and

Government of India clarified that the trade of Moulder was renamed as Foundry Man in the year 1998 and therefore, the trade of Moulder and Foundry Man is one and the same. In support of his contentions, he relied on the judgment of Punjab and Haryana High Court in CWP.No.1951 of 2009 dt.06.05.2014, wherein it held as follows:

“From the material, as is referred to above, especially the clarification issued by Directorate General of Employment and Training, Ministry of Labour and Employment, Government of India, it is evident that trade of Moulder was renamed as Foundry Man. The petitioner in the present case had passed the aforesaid course way back in the year 1999. If with the passage of time there had been some changes in the course contents, it will not mean that persons, who had passed earlier, will become ineligible, once the definite opinion expressed by the Directorate General of Employment and Training, Ministry of Labour and Employment, Government of India is that trade of Moulder was renamed as Foundry Man. It is well known that with the passage of time and new developments taking place, the syllabi in every course continue to change. New things are introduced. The same may be the reason in the present case. We have to give weightage to the clarification issued by the Directorate General of Employment and Training.”

He further contends that in view of the law laid down by the Punjab and Haryana High Court stated supra, the petitioners are fully qualified and eligible to hold the post of Moulder Trainee, Category-I (Trainee). Therefore, he contends that appropriate orders be passed in the writ petition directing the respondents to consider the cases of petitioners for appointment to the post of Moulder Trainee, Category-I (External).

Learned Standing counsel appearing for the respondents contends that the cases of the petitioners would be examined in terms of the law laid down by the Punjab and Haryana High Court in the judgment referred supra and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioners to submit a fresh representation bringing to the notice of the respondents about the judgment of the Punjab and Haryana High Court in CWP.No.1951 of 2009 dt.06.05.2014, within two weeks from the date of receipt of a copy of this order and upon such representation being received, the respondents shall consider the same and pass appropriate orders in another six weeks thereafter.

With the above observations, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 21-11-2019
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