

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.3469/2018

Sushil Shravan Tandekar

Vs.

The Divisional Controller, Maharashtra State Road Transport Corporation, Nagpur.

*Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.*

Court's or Judge's Orders

Shri Atul J. Pathak, Advocate for petitioner.

Shri R.S.Charpe, Advocate for respondent.

CORAM : A.S.CHANDURKAR and VINAY JOSHI, JJ.

DATE : February 27, 2020.

The petitioner has obtained a trade certificate after acquiring training as Mechanic Radio and Television from the Directorate of Vocational Education and Training. Pursuant to the advertisement issued by the respondent-Corporation in the year 2017, the petitioner applied for the post of "Auto Electrician"(DC). The Corporation informed the petitioner on 20.03.2018 that as the petitioner had passed I.T.I. in the trade of Mechanic Radio and Television which trade was not included in the Schedule attached to the Government Resolution dated 09.07.2015, he was not eligible to seek appointment on the post in question. Being aggrieved, the petitioner has filed the writ petition.

Learned counsel for the petitioner submits that on 02.06.2008 the Ministry of Labour and Employment of the

Government of India had published a list of trades indicating the trade group in which they fall. Under the trade group of Electronic, Radio and Television is one of the trades that is included. The State Government on 03.07.2014 issued a Circular proposing to convert Centre of Excellence Scheme to the Craftsman Training Scheme. Thereafter by subsequent resolution dated 15.06.2015, the modalities in that regard were prescribed. According to the learned counsel for the petitioner since the trade group of Electronics includes Radio and Television Mechanic, the Corporation was not justified in rejecting the petitioner's candidature.

According to the learned counsel for the respondent-Corporation, it has gone by the Government Resolution dated 09.07.2015 and Schedule A annexed thereto. In Centre of Excellence sector, pertaining to Electronics, the trade of Radio and Television Mechanic is not found. He further submits that considering the nature of work undertaken by the Corporation, there was no need of any Radio and Television Mechanic in the Corporation. The post in question being 'Auto Electrician' the particular trade in which the petitioner had acquired certificate was not necessary.

After hearing the learned counsel for the parties and after perusing the documents on record, it is found that in Government Resolution dated 09.07.2015 the trade of Radio and Television Mechanic has not been included under the head Electronics. Though the certificate obtained as Radio and Television Mechanic by the petitioner may fall under the general head Electronics as per the list of trades prepared by the Ministry and Labour Employment, the decision of the Corporation to proceed on the basis of Government Resolution dated 09.07.2015 and the Schedule attached thereto does not appear to be arbitrary. The justification that for the post of Auto Electrician qualified Radio and Television Mechanic was not required also does not appear to be arbitrary.

We therefore do not find any illegality committed by the Corporation while issuing the communication dated 20.03.2018 to the petitioner. In that view of the matter, there is no reason to interfere with the impugned order. The writ petition is dismissed. No costs.

JUDGE

JUDGE