

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

WRIT PETITION NO.308/2021

Nikhil S/o Subhash Ladse,
aged about 27 Yrs., Occ. Nil,
R/o Old F-57/1 Near New Club,
MSEB Colony, Prakash Nagar,
Khaperkheda, Tah. Saoner,
Dist. Nagpur.

..Petitioner.

..Vs..

1. State of Maharashtra,
through its Secretary, Department
of Energy, Mantralaya, Mumbai - 32.
2. Maharashtra State Electricity Distribution
Company Ltd. (Mahavitaran), through its
Chief Engineer, Prakashgarh, Bandra
Mumbai.
3. Basic Training & Related Instructions
Center, C/o Govt. Industrial Training
Institute, Shradhanand Peth, Near
Dikshabhumi, Nagpur - 22, through its
Principal.

..Respondents.

Mr. A.R. Ingole, Advocate for the petitioner.
Mr. D.P. Thakare, Additional Government Pleader for respondent Nos.1 and 3.
Mr. A.D. Mohgaonkar, Advocate for respondent No.2.

CORAM :- SUNIL B. SHUKRE AND
ANIL LAXMAN PANSARE, JJ.
DATED :- 25.10.2021.

ORAL JUDGMENT *(Per Sunil B. Shukre, J.)*

Heard. **Rule.** Rule made returnable forthwith. Heard finally

by consent of the parties present before the Court.

2. According to Mr. A.R. Ingole, learned counsel for the petitioner, if the national apprenticeship certificate which was granted to the petitioner during pendency of this petition by National Council for Vocational Training is not accepted by respondent Nos.2 and 3, great injustice could occur to the petitioner who had scored 18.50 more marks than the last selected candidate at the Sub-Centre Assistant (Upkendra Sahayak) examination, which was conducted in pursuance of the advertisement No.05/2019. Learned counsel submits that the petitioner had applied online for his consideration of appointment as Sub-Centre Assistant on 23rd July, 2019 and a few days before submission of the application, the petitioner had cleared the national apprenticeship examination held in April, 2017, as per the certificate dated 7th July, 2020 issued by respondent No.3. He further submits that though the result of this examination came earlier, the petitioner was not issued any national apprenticeship certificate by the National Council for Vocational Training, and was issued to him later on. Therefore, it is submitted that respondent Nos.2 and 3 be directed to accept the national apprenticeship certificate of the petitioner and treat the petitioner as a candidate who has fulfilled the eligibility criteria and who is suitable for being appointed as Sub-Centre

Assistant.

3. Shri Mohgaonkar, learned counsel for respondent No.2 invites our attention to a copy of the printout of the application dated 23.7.2019 submitted by the petitioner wherein, as pointed out by him, the petitioner had left the column of educational qualifications in relation to his clearing of the national apprenticeship examination blank. He submits that had the petitioner filled up this column and clearly stated that he had acquired this qualification in April, 2017 from Basic Training and Related Instructions Center, then respondent Nos.2 and 3 would have considered the claim of the petitioner for his being appointed to the said post but, as no basis was created by the petitioner, the petitioner has lost his right to stake his claim in this matter.

4. Mr. Ingole, learned counsel for the petitioner submits that there was one column in the application form and it related to obtaining of national apprenticeship certificate by the petitioner. He submits that since the petitioner did not receive any national apprenticeship certificate on the date of the application, although he had cleared the examination, the petitioner indicated his answer by mentioning “No” but the fact remains that on the date of the application, the petitioner

had already cleared the examination.

5. While it is true that the petitioner exercised the option of “No” against the column pertaining to giving of the information by a candidate relating to obtaining of national apprenticeship certificate, it is also true that the petitioner did not mention in the column of educational qualifications anything about his clearing of the said examination as per the certificate dated 7th July, 2020. If the petitioner has not filled in the information regarding clearance of his national apprenticeship examination well before filling of application, there was no opportunity available to respondent Nos.2 and 3 to scrutinize educational qualifications of the petitioner and, therefore, now, the petitioner cannot say that as he has already cleared said examination, his claim to the said post be considered. This is all the more so because filling of educational qualifications column pertaining to giving of information in respect of several parameters such as name of the examination/post, name of the school / institution and date of the examination, marks secured by the candidate, total marks of the examination, percentage scored by the candidate and the class / group secured by the candidate is important. Giving of such information relating to educational qualifications, enables the employer like respondent Nos.2 and 3 to verify the

correctness of each piece of this information and reach to an appropriate conclusion about the same. It is quite possible that during such verification, the employer may come across some relevant fact, as for example, the fact that the institution from where the candidates claims to have cleared the examination being not recognized by the National Council for Vocational Training and the like, which opportunity has been denied to respondent Nos.2 and 3 by the petitioner.

6. In this case, it is the contention of learned counsel for respondent No.2 that the institution from where the petitioner claims to have cleared his national apprenticeship examination is not an institute recognized by National Council for Vocational Training, which contention is disagreed to by learned counsel for the petitioner. Whatever may be the factual position, we are of the opinion that the petitioner having not mentioned the relevant information in the educational qualifications, though it was available with the petitioner, the petitioner has lost his right to insist upon respondent Nos.2 and 3 to accept his national apprenticeship certificate issued to him on 20th August, 2021, which certificate in original is now tendered before us for our perusal. Copies of the certificate have not been filed on record, but, we both have gone through this original certificate. This certificate mentions the name of the institute as Thermal Power

Station, Khaperkheda, Dist. Nagpur and it does not make any mention about respondent No.3. Therefore, on the basis of this certificate it cannot be said that it relates to the certificate issued by respondent No.3 relating to the clearance of the national apprenticeship examination by the petitioner in April, 2017.

7. Thus, we are of the view that no foundation whatsoever having been laid by the petitioner in his application form, regarding his passing of the national apprenticeship examination from respondent No.3, and no nexus of the original certificate seen by us today having been established with respondent No.3, now the petitioner cannot claim that national apprenticeship certificate issued to him during the pendency of this petition should be treated as indicating fulfillment by him of educational criteria and as relating back to his application thereby entitling him for his consideration for appointment as Sub-Centre Assistant. There is no merit in the petition. The petition stands **dismissed**. Rule is discharged. No costs. The original certificate is returned back to the learned counsel for the petitioner.

JUDGE

JUDGE