

MAT 722 of 2019
With
CAN 4 of 2019 (Old CAN 11774 of 2019)
With
CAN 5 of 2020

Ranjit Kumar Das & Ors.
Vs.
Srikanta Rajak & Ors.

Mr. Kumarjyoti Tewari
Mr. Tarunjyoti Tewari
Ms. Rajlakshmi Ghatak

... .. for the appellants

Mr. Anujit Mookherjee

... .. for the respondent nos. 1 to 25

Ms. Debjani Mitra

... .. for the respondent nos.26 to 31

This appeal is directed against the order of the learned Single Judge dated 17.01.2019 passed in WP 5143 (W) of 2018 whereby the writ petition filed by the private respondents herein has been allowed and the subsequent second list of selection issued by the official respondents has been quashed.

The controversy lies in the narrow campus in the factual background that initially notice was issued for engagement of Act Apprentices in Chittaranjan Locomotive Works with the opening date 24.07.2015 and closing date 24.08.2015. The eligibility conditions was prescribed in Clause 6 of the said notice and in terms thereof the candidates must passed out ITI Examination (NCVT only) and they must have the Certificate in the notified trades for applying under point-1(A) of the said notification. Clause 12 of the notice requires the candidates to submit ITI Certificate [if applied for, under

Point-1(A)] in the relevant trade affiliated to NCVT is compulsory.

Some of the candidates who are not having the Final Certificates but were having only the marksheet of ITI examination had approached the Writ Court by filing WP14056 (W) of 2017 with the prayer that the requirement of submitting the certificate is not mandatory. Learned Single Judge by order dated 05.06.2017 had dismissed the Writ Petition with a conclusion that submission of certificate was mandatory and the provisional certificate will not do.

It appears that thereafter the respondent authorities had issued the internal communication stating that the candidates who submitted their original marksheet/certificate from their respective institute fulfilled the minimum technical qualification and on that basis the second select list was prepared which was subject matter of challenge before the learned Single Judge in the present petition.

Learned Single Judge has reached to the conclusion that in view of the earlier order passed in the first list, the second list could not be sustained and accordingly quashed it.

Learned counsel for the private respondents has submitted that in pursuance to the order of this Court private respondents have already been sent for apprenticeship training and they have almost completed

80 per cent of their training and only 40 days remaining and as per their understanding after completion of their training the appellants' case for training will also be considered.

Learned counsel for the railways has also fairly stated before this Court that after completion of the training of the private respondents the railway authorities will duly consider the issue of sending the appellants on training in accordance with law.

Learned counsel for the appellants agrees on the above stand of the learned counsel for the railways.

Hence, we take the stand of the railway authorities and dispose of the appeal accordingly.

The railway authorities are expected to consider the case of the appellants after completion of the training of the private respondents within a period of four weeks to send the apprenticeship training in accordance with law.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)