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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12122 OF 2018

Kailas Parashram Khelukar ..Petitioner

vs.

The General Manager, India
Security Press, Nahik Road & ors. ..Respondents

Mr. Karan S. Thorat for the petitioner.

Mr. Yuvraj P. Narvankar for respondents.

CORAM : A. K. MENON &

M. S. KARNIK, JJ.

DATE : JULY 5, 2022.

P.C. :

1. The challenge in this Writ Petition is to the order of termination of employment as a result of the respondent no. 1 having accepted that there was an error in process of recruitment and the petitioner did not, in fact, have the requisite essential qualification to be eligible for selection.

2. The petitioner is aggrieved by the office order dated June 4, 2018 whereby the services of the petitioner was found to be untenable and his services were terminated without any stigma attached. The reasons indicate that the petitioner had applied for the post of Supervisor (Printing), S-1 Level at India Security Press, Nashik in accordance with SPMCIL Recruitment Policy 2012, which required an essential

qualification for the post of Supervisor (S-1) viz a 1st Class Diploma in Printing Technology. This was stated to have been stipulated by the Employment Notification dated April 20, 2015. The petitioner did not possess this essential qualification. He, however, was a qualified Mechanical Engineer holding a B.E. degree.

3. The impugned order admits that there was an error in the process of recruitment and the eligibility criteria was not made in the case of the petitioner. The order further records that if a candidate possesses the qualification listed among the “Desirable Qualification” he may be permitted to participate in the selection process. However, ineligible candidates could not do so. The error committed during the selection process could not have been continued and hence, there was no option but to terminate the services of the petitioner.

4. It is the case of the petitioner that once having been selected and having qualified as a Mechanical Engineer, he was entitled to be continued in the employment by virtue of the SPMCIL Recruitment Policy 2012 which *inter alia* provides as follows: –

SPMCIL RECRUITMENT POLICY – 2012

SUPERVISOR

Supervisor (S-1)	1 st class Diploma in Engineering/B.Com/Diploma in Taxation Law/Bachelor in Business Administration / 1 st class graduate with diploma in HR related area	B. Tech / MBA	30 years
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5. According to learned counsel for the petitioner, he possessed an engineering degree. He was qualified with a B.E. in Mechanical Engineering and therefore, by virtue of this default provision he was so selected and his termination for reasons set out in the impugned order is unsustainable.

6. We have examined the Policy and have also found the petitioner did not possess the basic essential qualification and that is a Diploma in Printing Technology. Absent such a basic qualification which is described in the Employment Notification but holding a B.E. Degree which is no doubt a higher qualification than a diploma would not in our view entitle to the petitioner to any protection. In our view, no case is made out for interference in the writ jurisdiction of this Court and hence, we pass the following order.

ORDER

(1) Writ Petition is dismissed.

(M. S. KARNIK, J.)

(A. K. MENON, J.)