



WEB COPY



W.P.Nos.13854 & 13855 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.Nos.13854 & 13855 of 2015

and

M.P.Nos.2 & 2 of 2014

and

W.M.P.Nos.1518, 1519, 5147 & 5148 of 2016

M.Vijay Anand ...Petitioner in WP.No.13854/2015

S.Ganesh ...Petitioner in WP.No.13855/2015

Vs

1.Oil and Natural Gas Corporation Limited,
Rep. by its General Manager (Human Resources),
ONGC Recruitment Section,
Tel Bhavan, Dehradun - 248003,
Uttaranchal.

2.The General Manager (Human Resources),
Oil and Natural Gas Corporation
Limited (Southern Sector),
CMDA Towers, Egmore,
Chennai - 600 008.

3.The Chief Manager (Human Resources) (R&P),
Oil and Natural Gas Corporation
Limited (Southern Sector),
CMDA Towers, Egmore,
Chennai - 600 008.



W.P.Nos.13854 & 13855 of 2015

WEB COPY

4.State Board of Technical Education
and Training,

Department of Technical Education,
Rep. by its Director of Technical
Education (Polytechnics),
Directorate of Technical Education,
Chennai - 600 025.

5.CPCL Polytechnic College,
Rep. by its Principal,
Nedunchezian Salai (Opp. SRF),
Manali, Chennai - 600 068.

6.B.Sanjeevi

7.M.Masanam

8.T.Vignesh

9.L.Ayyappan

10.C.Sivashankar

11.PJ.Alex Raymond

12.U.Jawahar

13.B.Parthasarathy

14.M.Raja

*(R6 to R14 impleaded as per order dated
20.02.2020 in WMP.Nos.3952 of 2020 &
3962 of 2022 in WP.Nos.13854 of 2015 &
13855 of 2015)*

...Respondents in both WPs



W.P.Nos.13854 & 13855 of 2015

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records in connection with announcement of results in website for Karaikal Posts-Advt. No.SS/KKL/3/2014 bearing Ref. No.CHN/R&P/Rectt/51/2014 dated 22.04.2015 and quash the same and direct the 1st, 2nd and 3rd respondents to treat the petitioners as qualified for the post of Assistant Rigman (Driller) in the Recruitment for ONGC, Karaikal including post under Special Recruitment Drive for the post of Assistant Rigman (Drilling) in the Advertisement No.SS/KKL/3/2014 and further direct the 1st, 2nd and 3rd respondents to recruit the petitioner to the post of Assistant Rigman (Driller) based on his Diploma in Petrochemical Engineering issued by the 4th respondent.

(in both WPs)

For Petitioners	: Mr.V.Prakash, Sr. Counsel for Mr.K.Krishnamoorthy
For R1 to R3	: Mr.A.L.Somayaji, Sr. Counsel for Mr.K.Arun Pradeesh for M/s.AAV Partners
For R4 & R5	: Mr.C.Jayaprakash, Government Advocate



W.P.Nos.13854 & 13855 of 2015

COMMON ORDER

WEB COPY

With the consent of both the parties, these Writ Petitions are heard together and a common order is passed.

2. In response to a notification issued by the first respondent in the year 2014, for various posts, the petitioners herein had applied for the post of Assistant Rigman (Drilling) on 26.09.2014 and 06.09.2014 respectively. As per the notification, the candidates were required to possess the essential qualification of 3 years Diploma in Mechanical Engineering/Petroleum Engineering, among other qualifications.

3. Both the petitioners possess First Class Diploma in Petrochemical Engineering, pursuant to the examination held in April, 2005, by the State Board of Technical Education and Training. Though they have qualified in the written examination and were called for the interview, they were not permitted to take the interview, on the ground that they possess a Diploma in Petrochemical Engineering, whereas the essential qualification for the post of Assistant Rigman (Drilling) is Petroleum Engineering.



WEB COM

4. Mr.V.Prakash, learned Senior Counsel appearing for the petitioners submitted that as per the All India Council for Technical Education (AICTE) norms for the academic year 2002-2003, the nomenclatures for some of the Diploma courses were changed, which were also adopted by the Directorate of Technical Education in the State of Tamil Nadu. As per these orders, the then existing nomenclatures for the courses of Petroleum Engineering/Petrochemical Engineering/Petrochemical Technology were revised as "Petrochemical Engineering". He further submitted that the applications were made online and the only option for the petitioners to apply was under Petroleum Engineering and therefore, the petitioners were constrained to state in their applications that they possess the Diploma in Petroleum Engineering.

5. Per contra, Mr.A.L.Somayaji, learned Senior Counsel appearing for the respondents 1 to 3 submitted that the syllabi for Petroleum Engineering is predominantly different from the syllabi for Petrochemical Engineering and if at all the petitioners intend to apply for the post with a Diploma in Petrochemical Engineering, a certificate from the appropriate equivalence committee requires to be obtained. It is his further submission that the



W.P.Nos.13854 & 13855 of 2015

petitioners have given wrong information in the applications, by stating that they possess a Diploma in Petroleum Engineering.

6. Mr.C.Jayaprakash, learned Government Advocate appearing for the respondents 4 and 5 supports the stand taken by the petitioners and would ratify that the nomenclature for the Diploma in Petroleum Engineering has been changed to Diploma in Petrochemical Engineering.

7. I have given careful consideration to the submissions made by the respective counsels.

8. At the outset, it requires to be pointed out that the essential qualification prescribed in the notification for the post of Assistant Rigman (Drilling) seems to be a mistake committed by Oil and Natural Gas Corporation (ONGC). When the Department of Technical Education had adopted the AICTE norms and have declared that the nomenclature of Diploma in Petroleum Engineering has been changed to Petrochemical Engineering, with effect from 11.11.2002 onwards, the advertisement calling for applications ought not to have prescribed one of the essential



W.P.Nos.13854 & 13855 of 2015

qualification as Diploma in Petroleum Engineering, but rather, ought to have called for applications from candidates who possess Petrochemical Engineering.

9. In the counter affidavit filed by the respondents 1 to 3, it is stated that 36 candidates were called for interview, out of which, none of the candidates, who possessed Diploma in Petrochemical Engineering, have been selected. Rather, the candidates seem to have possessed the qualification of Diploma in Mechanical Engineering, which is an optional essential qualification prescribed for the post of Assistant Rigman (Drilling). Thus, the very notification, calling for applications from the candidates holding a Diploma in Petroleum Engineering, is a mistake. As a corollary, the rejection of the petitioners' candidature, on the ground that they did not hold a Diploma in Petroleum Engineering, cannot be sustained.

10. Insofar as the misinformation given by the petitioners in their applications, that they possess a Diploma in Petroleum Engineering is concerned, it is seen that the applications were made through online mode. It is the case of the petitioners that apart from the option of qualification, i.e.,



W.P.Nos.13854 & 13855 of 2015

either a Diploma in Mechanical Engineering or a Diploma in Petroleum Engineering, no other option was given for Petrochemical Engineering. In this background, the petitioners had clicked their essential qualification as Petroleum Engineering. When the nomenclature of Petroleum Engineering has already been changed to Petrochemical Engineering, the ONGC ought to have given an option of Petrochemical Engineering and therefore, finding fault with the candidates that they have given a wrong information, is unacceptable.

11. Incidentally, the learned Senior Counsel for the petitioners produced a copy of the Office Memorandum issued by the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), dated 29.12.2015, whereby, it has been ordered that the interviews for all Group-C posts have been done away with. The learned Senior Counsel appearing for the respondents 1 to 3 questioned the applicability of this Office Memorandum to ONGC.

12. Pending the Writ Petitions, the respondents were directed to keep one post vacant for each of the petitioners herein and it is stated that the order



W.P.Nos.13854 & 13855 of 2015

has been complied with. In the background of the above findings, this Court is of the view that the petitioners are entitled for absorption through further selection process.

13. In the result, there shall be a direction to the first respondent herein to conduct an interview for both the petitioners herein, within a period of 2 weeks from the date of receipt of a copy of this order and if they are found fit, the first respondent shall issue necessary appointment orders. The first respondent shall also consider the applicability of the Office Memorandum issued by the Ministry of Personnel, Public Grievances and Pensions, dated 29.12.2015 and if found applicable, they are at liberty to waive the process of interview, insofar as the petitioners herein are concerned.

14. Accordingly, both the Writ Petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

27.10.2022

Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
hvk

9/11



W.P.Nos.13854 & 13855 of 2015

WEB COPY To

- 1.The General Manager (Human Resources),
Oil and Natural Gas Corporation Limited,
ONGC Recruitment Section,
Tel Bhavan, Dehradun - 248003,
Uttaranchal.
- 2.The General Manager (Human Resources),
Oil and Natural Gas Corporation
Limited (Southern Sector),
CMDA Towers, Egmore,
Chennai - 600 008.
- 3.The Chief Manager (Human Resources) (R&P),
Oil and Natural Gas Corporation
Limited (Southern Sector),
CMDA Towers, Egmore,
Chennai - 600 008.
- 4.The Director of Technical Education (Polytechnics),
State Board of Technical Education
and Training,
Department of Technical Education,
Directorate of Technical Education,
Chennai - 600 025.
- 5.The Principal
CPCL Polytechnic College,
Nedunchezian Salai (Opp. SRF),
Manali, Chennai - 600 068.



WEB COPY



W.P.Nos.13854 & 13855 of 2015

M.S.RAMESH,J.

hvk

W.P.Nos.13854 & 13855 of 2015

27.10.2022