



Judgment

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

WRIT PETITION No. 3272 OF 2019.

Nikalesh Fakirchand Jounjalkar,
Aged about 26 years, Occupation
Nil, resident of Jayastambh Chowk,
Mouda, District Nagpur.

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PETITIONER.

VERSUS

1.NTPC Limited, Mouda,
through its General Manager, Mouda
Super Thermal Power Project, Post
Mouda, District Nagpur.

2.NTPS Limited,
Western Region-1 (Headquarter), through
Director, office at Samruddhi Venture
Park, 2nd Floor, MIDC, Marol,
Andheri (East0, Mumbai 400076.

3.Union of India,
Human Resources Department,
through its Secretary, Office at 302,
Shastri Bhawan, New Delhi m- 32.

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RESPONDENTS.

Rgd.

Mr. A. Daga, Advocate for the Petitioner.
Mr. N.R. Rode, Advocate for Respondent Nos.1 and 2.
Ms N. Choubey, Advocate for Respondent No.3.

CORAM : VINAY JOSHI AND
M.W. CHANDWANI, JJ.

DATE : JULY 25, 2024.

ORAL JUDGMENT (PER VINAY JOSHI, J.) :

Heard. Rule. Rule is made returnable forthwith and by consent of the learned Counsel appearing for the respective parties, the matter is taken up for final disposal.

2. The petitioner is son of one Fakirchand, whose agricultural land was acquired for the project of respondent NTPC. As per the policy, the persons whose lands are acquired, are entitled for monetary compensation. Besides that one of the family member of the land looser would get employment or in the alternate a sum of Rs. 5 lakhs.

Rgd.

The petitioner is the son of land looser in whose name a certificate of project affected person has been issued on 06.01.2016.

3. The respondent NTPS has issued a special advertisement in the year 2016 under a drive to recruit land oustees who are qualified for the post. In response to the said advertisement, the petitioner has applied for the post of “Artisan Trainee (Electrician)”. The petitioner has tendered requisite documents for verification, but, as he could not get any response, this petition is for seeking necessary directions for appointment on the said post. Respondents have resisted the petition on two counts; that the petitioner did not possess the requisite qualification for the post of Artisan Trainee (Electrician), and secondly he did not complete the prescribed course as full time student, but, as an externee.

4. Most of the facts are not in dispute such as, the land of petitioner’s father was acquired and certificate of project affected persons has been issued in the name of the petitioner. It is also not in

Rgd.

dispute that the petitioner is entitled for appointment subject to fulfilling the requisite criteria.

5. We have gone through the advertisement published by the respondent NTPS along with the corrigendum. Qualification for the post of Artisan Trainee (Electrician) is “ITI in Electrician”. The petitioner has submitted a mark sheet that he has completed the course of electrician. Apart from the mark sheet, the petitioner has produced certificate issued by the State Council for Vocational Training, certifying that the petitioner has passed the prescribed trade test in the Trade of Electrician in Artisan to Technocraft Skill Level III. It is the contention of the petitioner, that the said Skill Level III test/course is equivalent to the course of ITI Electrician, thus, he is qualified for the post.

6. In support of his contention, the petitioner has placed reliance on the government resolution dated 12.04.2005, whereby the scheme under the name “Artisan to Technocraft” has been floated by

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the government. The said scheme reveals that several unorganized or unskilled persons are working in Trade or Skill work at different places, but, for want of certification they could not get proper recognition. In order to meet the said situation, the government has initiated the scheme in which those privately skilled persons can appear in the test and accordingly certification would be done.

7. There is no dispute that the petitioner has not completed full fledged ITI Electrician course, but, under the aforesaid scheme he has passed Level III Test. As per the advertisement, the requirement for the post is as ITI in Electrician. The petitioner would submit that he satisfies the conditions incorporated in the advertisement since external course is not excluded or the qualification is about full fledged internal ITI course. We are not in agreement with the said submission, since the advertisement clearly conveys the qualification of ITI in Electrician, meaning thereby a full fledged course of electrician, which cannot be equated with some external skill test. The NTPC is running National Thermal Project of importance and thus,

Rgd.

we cannot modify or dilute the qualification for the post. In the circumstances, the petitioner cannot claim employment on the post of Artisan Trainee (Electrician), since he does not qualify in terms of the advertisement.

8. In view of above, Writ Petition is dismissed. We make it clear that the respondents can accommodate the petitioner in any other post, if the petitioner qualifies for the said post, as and when the vacancy arises. So also the petitioner may opt for the alternate option of receiving compensation of Rs.5 lakhs in lieu of employment. Rule discharged. Needless to mention that the interim order granted by this Court stands vacated.

JUDGE

JUDGE