

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.296/2015

Date of Decision: 17.02.2020.

CORAM: R. VIJAYKUMAR, MEMBER (A)
R.N. SINGH, MEMBER (J)

Shri Suvji Sudhakar Patil,
 Age 25 years,
 R/at 184/E Type II modify,
 Ordnance Factory Estate,
 Varangaon, Tal. Bhusawal
 Dist. Jalgaon – 425 308.
(By Advocate Shri V.A. Nagrani)

... *Applicant*

VERSUS

1. The Union of India,
 Through the Secretary,
 Ministry of Defence, Indian
 Ordnance Factories, South Block,
 New Delhi 110 001.
2. The Chairman
 Ordnance Factory Board,
 Ministry of Defence, 10 A, Shahed
 Khudi Ram Boss Road,
 Calcutta 700 001.
3. The General Manager,
 Ordnance Factory, Varangaon
 Varangaon – 425 308,
 Tal. Bhusawal, Dist. Jalgaon.
(By Advocate Shri V.B. Joshi)

... *Respondents*

ORDER (Oral)

Per : R. N. Singh, Member (J)

Heard the learned counsels for the parties.

2. This application has been filed by the Applicant on 29.09.2015 under Section 19 of

the Administrative Tribunals Act, 1985

seeking the following reliefs:

"8.a) This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the respondents and after examining the same quash and set aside order dated 22.05.2015 with all consequential benefits.

8.b) This Hon'ble Tribunal may further be pleased to hold and declare that the applicant is in Possession of requisite education qualification as prescribed in the advertisement and is accordingly eligible to appear for the trade test.

8.c) This Hon'ble Tribunal may further be pleased to direct the Respondent No.3 to publish the result only after allowing the applicant to appear for trade test and if found qualified in trade test appoint him on the post of Tool Maker semiskilled as per the merit.

8.d) Cost of the application be provided for.

8.e) Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed.

3. The Applicant's grievance is that though in response to the Advertisement (Annex.A-3), issued by the respondents for filling-up posts under various Semiskilled Grade under various trades under the respondents, the applicant applied and he participated in the selection process and his name came in the list of selected persons, however, the applicant was not allowed to participate in the trade test in spite of the fact that the applicant

fulfills qualification prescribed in the said advertisement. The aforesaid advertisement prescribed the educational qualification as under;

"NCVT passed in the relevant trade failing which, by ITI or equivalent Diploma/Certificate holder in respective trades."

4. In response to notice from this Tribunal, the Respondents have filed the reply and after completion of pleadings in view of the order dated 13.06.2019, the respondents have filed one additional affidavit dated 13.08.2019. In the aforesaid affidavit, the respondents have contended that no documents were asked from the candidates while filling-up the application form(s) online. The candidature was provisional subject to verification of the educational and other eligibilities. Candidates were called for Trade Test subject to being found suitable and fulfilling the requisite qualification. However after verification, it was found that the petitioner had Advance Diploma in Tool and Die Making without possessing NTC/NAC. Therefore, his candidature was cancelled because he was not meeting the required

qualification noted herein above. The Respondents have further stated in the said affidavit that the adequate number of candidates against such post of Tool Maker i.e. 02 in numbers were available with the Ordnance Factory Varangaon who possesses NAC/NTC certificate in Tool maker trade. On being found eligible as per the requisite NAC/NTC certificate in Tool maker trade, the said candidates were allowed to appear in the trade test for tool maker trade test and the applicant was not allowed.

5. Shri Nagrani, learned counsel for the applicant very fairly admits that the applicant is not having the qualification of NCVT passed in the relevant trade that is of Tool making, however, he submits that the applicant fulfills the requisite qualification provided under the failing clause for the educational qualification i.e. ITI or equivalent Diploma/Certificate in respective trades.

6. We have perused the pleadings on record and have considered the submissions made by the learned counsels for the parties carefully.

7. Once it is the admitted case that the respondents have got the adequate number of candidates with the requisite qualification, there was no occasion for the respondents to consider and allow the candidates who do not possess the requisite qualification of NAC/NTC certificate in Tool maker trade and to consider the candidates who fulfills the qualification provided under the failing clause as in the present case. It is not the case of the applicant that anybody with similar qualification as that of the applicant has been considered by the respondents. It is also not the case of the applicant that the applicant in any manner fulfills the basic qualification i.e. NCVT passed in the relevant trade test.

8. In the facts and circumstances, we do not find any merit in the OA and accordingly, it is dismissed.

9. However, in the facts and circumstances, no order as to costs.

(R.N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

dm.

