

**Central Administrative Tribunal
Principal Bench
New Delhi**

**OA No.187/2020
with
OA No.188/2020**

This the 22nd day of January, 2020



**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

OA No.187/2020

Ajendra Singh aged about 42 years, Gp-A
S/o Rafal Singh, RZ-6C, Gali No.09,
Puran Nagar, Palam Colony,
New Delhi-110077.

Post - Airworthiness Officer. ... Applicant

(By Mr. D. K. Sharma, Advocate)

Versus

1. Union of India through
Secretary, Ministry of Human Resources
Development, New Delhi-110011.
2. Union Public Service Commission
through the Chairman, Office at:
Dholpur House, Shahjahan Road,
New Delhi-110069.
3. Director General of Civil Aviation under the
Ministry of Civil Aviation, Union of India,
Office at: Opposite Safdarjung Airport,
New Delhi-110003.
4. The Department of Ex Servicemen Welfare under
Ministry of Defence through Directorate General
Resettlement, Office at 04 unnamed Road,
West Block, R. K. Puram, New Delhi.
5. The Aeronautical Society of India
through the President,

Office at: 13 B, Indraprastha Estate,
New Delhi-110001.

... Respondents

(By Dr. Ch. Shamsuddin Khan, Advocate)

OA No.188/2020



1. Rahul Chaudhary aged about 28 years,
GP-A S/o Sri Om Prakash C-310, Ramphal
Chowk, Sector-7, Dwarka, New Delhi-110075
Roll No.0006182.
2. Jasraj Asdev aged about 30 years, Gp-A
S/o Sri Bhomraj Asdev,
J2-71, Indiabulla Centre Park Sector-103,
Gurgaon Haryana-122006. ... Applicants

Versus

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New Delhi-110001. ... Respondents

(By Mr. J. P. Tiwari, Advocate)

O R D E R

Justice L. Narasimha Reddy, Chairman :

The subject matter of both these OAs is similar. Hence, they are disposed of through a common order.



2. In the establishment of the Directorate General of Civil Aviation (DGCA), there exists the cadre of "Airworthiness Officers" (AO). The posts were being filled from time to time, by entrusting the selection process to the Union Public Service Commission (UPSC), the 2nd respondent. The Service Rules for the post stipulated the qualification of - (A) (i) Bachelor's Degree with Physics or Mathematics as one of the subjects from a recognised University, or equivalent; (ii) 2 years' experience in the field of Aircraft Maintenance (Engineering); or (B) Degree in Mechanical/ Electrical/ Electronics/ Aeronautical Engineering from a recognised University, or equivalent.

3. The applicants state that they have passed the course of Aeronautical Engineering from the Aeronautical Society of India, the 5th respondent in the OAs, and that it was being treated as a valid qualification for the post of AO. In the year 2018, the Recruitment Rules were amended, and for the post of AO, the qualification was stipulated as - (i) Bachelor's Degree in Physics or Mathematics or Aircraft Maintenance or



Engineering Degree in Aeronautical or Mechanical or Electrical or Electronics or Telecommunication from a recognised University; and (ii) a valid Aircraft Maintenance Engineer's (AME) Licence endorsed in either of the Categories B1 or B2 issued by the DGCA or an aviation authority of an ICAO contracting State acceptable to DGCA. The certificates from institutions which are "equivalent" were not treated as valid.

4. Advertisement No.11/2018 was issued by the UPSC for the post of AO in the DGCA. It was clearly mentioned therein that equivalent Degrees in the relevant field, particularly, the Degree from Aeronautical Society of India, the 5th respondent, have not been considered. This OA is filed with a prayer to direct the respondents 2 and 3 to consider the Degree in Aeronautical Engineering from the 5th respondent possessed by the applicants, as a valid qualification for the post, and to direct them to add the words, "Or institutions or equivalent" in the essential qualifications prescribed under the Rules.

5. The applicants contend that the Degrees issued by the 5th respondent were treated as valid for the past several decades, and there was absolutely no basis and justification for rendering such Degrees as not valid. It is also stated that the

action of the respondents amounts to infringement of the right to equality under Article 14 of the Constitution of India, and the step was taken only to encourage the private engineering colleges, even while rendering the certificates issued by a reputed Institution like the 5th respondent, as invalid.



6. We heard Shri D. K. Sharma, learned counsel for the applicants; and Dr. Ch. Shamsuddin Khan and Shri J. P. Tiwari, learned counsel for the respondents.

7. The respondents issued an advertisement for the post of AO. It is on the basis of the Rules that were amended in the year 2018. The Degree issued by the 5th respondent used to be treated as valid qualification for the post till the Rules were amended. The applicants do not dispute the right of the 1st respondent to frame or amend the Recruitment rules. Further, in a dynamic field and activity like Aviation, the Service Rules cannot be expected to be static. With the advancement of technology, the 3rd respondent has to improve the level of efficiency of its officers. May be, at a time when the study in Aeronautical Engineering was not prevalent in other Institutions, the certificate issued by the 5th respondent, was treated as valid. Once it is noted that there is a phenomenal development in the study of various branches of Engineering,

including the field of Aeronautics, the respondents cannot continue the same pattern for decades together. The applicants are not able to point out any specific provision of law which can be said to have been contravened on account of the amendment to the Recruitment Rules of the 3rd respondent.



8. We are not inclined to interfere in the OAs. The same are accordingly dismissed. There shall be no order as to costs.

(A. K. Bishnoi)
Member (A)

/as/

(Justice L. Narasimha Reddy)
Chairman