



**Central Administrative Tribunal
Principal Bench
New Delhi**

R.A. No. 35/2020 in
in
O.A. No. 3646/2019

This the 16th day of March, 2020

Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)
Hon'ble Mr. Pradeep Kumar, Member (A)

- 1 AMAR JEET AGED 40 YEARS S/O SH. RAM KUMAR R/O H.NO.82/6, NARWANA ROAD JIND, HARYANA, PRESENTLY WORKING AS CRAFT INSTRTUCTOR AT PUSA, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 2 SATISH KUMAR AGED 40 YEARS S/O SH. HARI SINGH R/O H.NO.109/16, NEW RAJENDRA NAGAR IND. AREA, SAHIBABAD(GAZIABAD) U.P, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI , DELHI-40.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 3 BHANU PRATAP SINGH AGED 40 YEARS S/O SH. BHIKKI MAL R/O P.O-NEEM GON RAYA- MATHURA, UP, PRESNETLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 4 PRADEEP KUMAR AGED 34 YEARS S/O SH. NATHU RAM R/O TIKAN KALA P.O-PINDARA, DISTT-VARANSI, U.P, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 5 DURGESH KUMAR AGED 37 YEARS S/O SH. CHHABI NATH RAM R/O VILLAGE- AJAIPUR P.O-PINDARA, DISTT- VARANSI, U.P, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER



- 6 SATISH AGED 46 YEARS S/O SH. NATHU SINGH R/O VILL-KURI KAMALPUR, POST-MAVANA, DISTT-MEERUT, UP, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 7 RAJVEER SINGH AGED 37 YEARS S/O SH. BACHWAN SINGH R/O VILLAGE-DHARU HERA, DISTT- RIWARI, HARYANA, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 8 REENA SINGH AGED 43 YEARS S/O SH. RAJ SINGH R/O F1/3B, BUDH VIHAR PHASE- I NEAR AVANTIKA, DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 9 PREETI AGED 37 YEARS S/O SH. SATPAL R/O UMAA VILL-H.NO.WZ-1095, STREET NO.11, SADH NAGAR, PALAM COLONY, DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT, AKS ITI, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 10 DHARMENDER AGED 31 YEARS S/O SH. JAGDISH R/O V.P.O-MANDKOLA TEHSIL-HATHIN DISTT-PALWAL, HARYANA, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 11 MANOJ KUMAR AGED 37 YEARS S/O SH. MANGE RAM R/O V.P.O-KHERIJAT DISTT- JHAJJAR, HARYANA PRESENTLY WORKING AS CRAFT INSTRUCTOR AT JAFFER PUR ITI, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 12 SATYENDER AGED 36 YEARS S/O SH. RAJEDNER R/O H.NO.635, NEW UTTAM NAGAR, TOSHAM BY PASS ROAD, WARD NO.18, BHIWANI, PRESENTLY WORKING AS CRAFT INSTRTUCTOR AT JAHANGIRPURI, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 13 NARENDER KUMAR AGED 38 YEARS S/O SH. KHEM CHAND R/O V&P.O. WAZIRABAD, DISTT- GURGAON, HARYANA, PRESENTLY WORKING AS CRAFT INSTRTUCTOR AT MORI GATE, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER



- 14 SAVITA RANI AGED 40 YEARS S/O SH. SANJAY KUMAR SINGH R/O SECTOR-2B, H.NO.122, VASUNDHARA, GZB, PRESENTLY WORKING AS CRAFT INSTRTUCTOR AT NAND NAGRI, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 15 SATISH BABU AGED 38 YEARS S/O SH. NAGENDRA R/O 423/11, MANDOLI EXTN, DELHI, PRESENTLY WORKING AS CRAFT INSTRTUCTOR AT NAND NAGRI, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 16 RAJ RANI AGED 42 YEARS S/O SH. JILLEY SINGH R/O C-12, EAST BALDEV PARK, PARWANA ROAD, DELHI, PRESENTLY WORKING AS CRAFT INSTRTUCTOR AT NAND NAGRI,, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 17 CHANDER KALA AGED 42 YEARS S/O SH. RAM CHANDER R/O 93/26, JAWAHAR NAGAR, SARDARO WALI GALI, SONIPAT, PRESENTLY WORKING AS CRAFT INSTRTUCTOR AT NARELA, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 18 ANITA AGED 43 YEARS S/O SH. RAM SINGH R/O MU-68D, PITAM PURA, DELHI-34, PRESENTLY WORKING AS CRAFT INSTRTUCTOR AT NAND NAGRI,, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 19 MANJEET KUMAR AGED 35 YEARS S/O SH. DEVENDER PRATAP SINGH R/O UNIONE ROYAL TOWER-II, BEHRAM PUR, AKHBAR PUR GHAZIABAD, U.P, PRESENTLY WORKING AS CRAFT INSTRTUCTOR AT SHAHDARA, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 20 SUNIL KUMAR SHRIVASTAV AGED 43 YEARS S/O SH. LALIT PRAKASH SHRIVASTAV R/O B-1626, GTB NAGAR, KAWELI, SCHEME, ALLAHABAD, U.P., PRESENTLY WORKING AS CRAFT INSTRTUCTOR AT SHADHARA, DELHI.
GROUP 'C' POST, SUBJECT: SELECTION MATTER
- 21 VIDYA SAGAR AGED 38 YEARS S/O SH. RAM RATAN R/O PATEL PARK BAHADUR GARH DISTT-JHAJJAR, HARYANA, PRESENTLY WORKING AS CRAFT INSTRTUCTOR AT SHADHARA, DELHI.

GROUP 'C' POST, SUBJECT: SELECTION MATTER



22 MANOJ KUMAR AGED 34 YEARS S/O SH. BABU LAL SAINI R/O H.NO.94, BHORGARH NARELY, DELHI-40, PRESENTLY WORKING AS CRAFT INSTRUCTORS AT MAYUR VIHAR, DELHI.

GROUP 'C' POST, SUBJECT: SELECTION MATTER
.....APPLICANTS

Versus

- 1 GOVT. OF NCT OF DELHI
THROUGH CHIEF SECRETARY,
DELHI SECRETARIAT, I.P. ESTATE
NEW DELHI-110002.
- 2 THE PRINCIPAL SECRETARY
DEPARTMENT OF TRAINING & TECHNICAL
EDUCATION
MUNI MAYA RAM MARG,
PITAM PURA, NEW DELHI-110034.
- 3 THE DIRECTOR
DEPARTMENT OF TRAINING & TECHNICAL
EDUCATION,
MUNI MAYA MARG,
PITAM PURA NEW DELHI-110034.
- 4 DELHI SUBORDINATE SERVICE SELECTION BOARD
Through its Chairman
FC-18, INSTITUTIONAL AREA,
KARKARDOOMA,
DELHI- 110092
- 5 DIRECTOR GENERAL,
DIRECTORATE OF TRAINING,
MINISTRY OF SKILL DEVELOPMENT &
ENTREPRENEURSHIP,
EMPLOYMENT BUILDING,
LIBRARY AVENUE, B-2, PUSA ROAD,
NEAR KAROL BAGH METRO STATION,
PILLAR NO.95, NEW DELHI-110001.
- 6 DIRECTOR GENERAL,
DIRECTORATE OF TRAINING,



MINISTRY OF SKILL DEVELOPMENT &
ENTREPRENEURSHIP,
EMPLOYMENT EXCHANGE BUILDING,
LIBRARY AVENUE, PUSA COMPLEX,
NEW DELHI-110012.

7. NATIONAL COUNCIL FOR VOCATIONAL TRAINING
(NCVT), MINISTRY OF SKILL DEVELOPMENT AND
ENTREPRENEURSHIP,
SHARAM SHAKTI BHAWAN, RAFI MARG,
NEW DELHI
THROUGH ITS SECRETARY.

...Respondents

ORDER (By Circulation)

Hon'ble Mr. Pradeep Kumar, Member(A):

The instant OA was dismissed on merits at the admission stage itself vide order dated 17.12.2019. Feeling aggrieved with the dismissal, the applicants had approached Hon'ble High Court of Delhi by filing WP (C) No.397/2020 (**Amar Jeet and others vs. Govt. of NCT of Delhi and others**).

2. There were similar writs filed by some other applicants also and Hon'ble High Court had passed a common judgment dated 28.01.2020 in four different writs, namely,

- (i) WP(C) No.385/2020, Nirdosh Gautam and ors. vs. Govt. of NCT of Delhi and ors.
- (ii) WP(C) No.387/2020, Kuldeep Kumar and ors. vs. Govt. of NCT of Delhi and ors.
- (iii) WP(C) No.388/2020, Sandeep and ors. vs. Govt. of NCT of Delhi and ors.
- (iv) WP(C) No.397/2020, Amar Jeet and ors. vs. Govt. of NCT of Delhi and ors.



This order dated 28.01.2020 reads as under:

“After some hearing, counsel for the petitioners submits that the grounds raised at the time of hearing of the O.A., were not considered by Central Administrative Tribunal (‘Tribunal’). Counsel submits that various judgments cited, relied upon and annexed with the O.A. are also not reflected in the impugned order.

Mrs. Avnish Ahlawat, Standing Counsel for Government of NCT of Delhi (Services), submits that there is no infirmity in the order passed by the Tribunal. She submits that the appointments would obviously have to be made as per the Recruitment Rules of the year 2014 when the vacancies were notified and the advertisement was published; and subsequent directions issued by the Central Government on 07.01.2016 cannot be applied.

At this stage, counsel for the petitioners submits that he would file review applications before the Tribunal.

In view of the above, the writ petitions and all pending applications stand disposed of.

In case review applications are filed, the same would be disposed of by the Tribunal in accordance with law. Furthermore, if review applications are filed within two weeks, as agreed, the respondents will not raise the plea of limitation.

We make it clear that we have not expressed any opinion on the merits of the matter.”

3. The applicants have accordingly filed this RA No.35/2020 seeking recall/review of the order dated 17.12.2019 passed in OA No.3646/2019. The matter is accordingly being reviewed.

4. The point at issue in the OA pertains to an advertisement issued by Govt. of NCT of Delhi wherein applications were invited for recruitment to the post of Craft Instructor on regular basis where the opening date of application was 27.01.2014 and the closing date was 27.02.2014.



The applicants had pleaded that subsequent to the issuance of this advertisement, the Directorate General of Employment and Training, who is the governing body in Central Government for such technical education, vide their letter dated 27.05.2014 had modified the essential qualifications for the post of Craft Instructors. These qualifications were not incorporated in the said advertisement which was already issued and where opening/closing dates were respectively 27.01.2014/ 27.02.2014 and were already over. Accordingly, it was pleaded that the said advertisement is required to be quashed and the recruitment process needs to be restarted.

5. The applicants had relied upon a judgment by Hon'ble High Court of Judicature for Rajasthan and Jodhpur vide D.B. CWP No.12145/2016 wherein judgment was pronounced on 17.01.2017.

The point at issue in the said writ by Hon'ble High Court of Rajasthan was whether the essential qualification prescribed by Central Government can be ignored by the State Government while issuing advertisement for recruitment to the post of ITI Instructors.

In the case under consideration by Hon'ble High Court of Rajasthan, certain modifications to the educational requirement were prescribed by the Central Government vide their letter dated 27.05.2014 and 07.01.2016. The



Government of Rajasthan issued the advertisement for recruitment to the post of ITI Instructor on 16.09.2016, i.e. subsequent to the communication of revised qualifications. However, the revised qualifications were still not prescribed in the said advertisement for recruitment.

5.1 It is in this context that Hon'ble High Court of Rajasthan allowed the writ and quashed the advertisement. The observation regarding the point at issue and the judgment thereupon, is reproduced below:

“The petitioners have challenged validity of advertisement dated 16/09/2016 issued by Rajasthan Subordinate and Ministerial Staff Service Recruitment Board, Jaipur pertaining to recruitment of I.T.I. Instructors allegedly issued in violation of prescribed standards as enunciated by National Council for Vocational Training (NCVT) under Directorate General of Training (DGT), Ministry of Skill Development & Entrepreneurship because of scaling down the necessary qualification.

Xxx xxx xxx

4. National Council for Vocational Training (NCVT) was established by Central Government and recommendations made by the Council were accepted by Central Government vide its letter dated 27/05/2014 and 07/01/2016, which relates to Prescription of CITS for recruitment of Instructors in I.T.I that a necessary qualification. 5. The Central Government, accepting the recommendations of NCVT for enhancement of excellence in teaching, as such, the directions issued by the Central Government are mandatory and are binding upon the State Government, so the State Government cannot conduct recruitment in ignorance of the said qualification and Central Government has laid down guidelines for recruitment of instructors for I.T.I.s by providing 30% waitage marks to such CITS qualified candidates but the imperative guidelines were ignored by the State of Rajasthan, while issuing its recruitment process.

Xxx xxx xxx

7. Heard rival contentions of both the sides and examined the record, it is not disputed that the National Council for Vocational Training (NCVT) working under the Directorate General of Training (DGT), Ministry of Skill Development &



Entrepreneurship has been entrusted to prescribe standards and curriculum for Crafts Man Training and guidelines issued by Director General of Training, Government of India for recruitment of Instructors in I.T.I of holding a qualification of Craft Instructors Training Scheme (CITS), which already stands accepted by the Central Government and Central Government acting upon the same guidelines having issuing instructions on 27/05/2014 and 07/05/2016 that CITS is mandatory for all the ITI Instructors and laying down such instructions for recruitment accordingly.

8. We, have to examine whether the directions issued by the Central Government on the recommendations of NCVT are mandatory and are binding upon the State Government, which has the powers under proviso to Article 309 to frame service rules subject to the provisions of the Constitution and acts of appropriate legislature and further having acted upon these recommendation, whether the State Government could have again lower down the qualification capriciously without a justifiable reason.

Xxx xxx xxx

The writ petition, challenging the questioned advertisement dated 16/09/2016, is as such, liable to be allowed and the advertisement dated 16/09/2016 relating thereto is consequently quashed.

The respondent State Government is directed to issue fresh advertisement in consonance with the Central Government and NCVT Guidelines. It is also made clear that the aspirants, who were within the age limit on the last date of impugned/questioned advertisement dated 16/09/2016 and who have attained eligibility in the meanwhile, shall also be competent and eligible to apply in coming/prospective recruitment advertisement.”

5.2 From the above it is very clear that the advertisement issued, subsequent to the acceptance of recommendations by Central Government and communication of the same to States, was found to be deficient as the orders by Central Government were not incorporated.

6. As against this, the case in the instant OA is entirely different. The advertisement was issued and applications were to be filed during the period from 27.01.2014 to



27.02.2014. Certain qualifications were altered by Central Government vide a subsequent notification dated 27.05.2014.

7. Applicants have alleged that these modified qualifications as per letter dated 27.05.2014 were not incorporated in an advertisement for which closing date was already over on 27.02.2014. And it was on this basis that they had sought quashing of the said advertisement and to restart the recruitment process all over again.

8. The applicants had fairly pleaded that the essential qualifications prescribed in this advertisement, were however in conformity to the extant instructions and the relevant RRs as were applicable as of 27.01.2014.

9. It is in these circumstances that the OA was dismissed being devoid of merit. Tribunal notes that in any dynamic situation, the essential qualifications can always undergo a change by the competent authority and the subordinate authorities (States and Govt. of NCT of Delhi in instant case), are duty bound to follow it. However, such a change shall take effect from the date such modifications are ordered. Such modifications cannot be applied retrospectively.

10. The Tribunal further notes that in case, the applicant's contentions of applying the modifications retrospectively, is to be agreed to, a very peculiar and unsustainable situation is likely to result wherein no recruitment process can ever be taken to its logical conclusion.



Acceptance of such a contention means that if certain modification was ordered while recruitment process is already on, but is yet to be completed, this recruitment process would have to be cancelled and restarted by issuing a fresh advertisement after incorporating the modification. In case there is another change after re-start of this process, it will need to be again cancelled by the same logic and restarted all over again.

It is obvious that such a situation will lead to administrative chaos and non-recruitment and negation of rights of those who had participated in the recruitment process. This situation is unsustainable, unjust and therefore, cannot be permitted.

The applicants' contention is, therefore, fallacious and ill-founded to start with.

11. It was under these circumstances that the OA was taken to be devoid of merit and it was dismissed.

12. As already brought out in para-5 above, the point at issue before Hon'ble High Court of Rajasthan was that an advertisement was issued subsequent to the modifications and yet the advertisement did not incorporate those modifications.

This is not the situation in the instant case.



Hence, ratio of relied upon judgment is of no help to applicants.

13. Accordingly, the pleas by the applicants in the instant RA, are devoid of any merit and RA stands dismissed. The decision dated 17.12.2019 in the OA, stands.

(Pradeep Kumar)
Member (A)

(Justice Vijay Lakshmi)
Member (J)

‘sd’