



**Central Administrative Tribunal
Principal Bench
New Delhi**

R.A. No. 37/2020 in
in
O.A. No. 3645/2019

This the 16th day of March, 2020

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

- 1 NIRDOSH GAUTAM AGED 36 YEARS S/O SH. RAJPAL SINGH R/O H.NO.D-761/9, STREET NO.13 ASHOK NAGAR, DELHI-93, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI DELHI-40.
Group 'C' Post, Subject : Selection Matter
- 2 SACHIN AGED 31 YEARS S/O LATE SH. PREM CHAND R/O H.NO.F-287 LADO SARIA MAHARAULI, DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
Group 'C' Post, Subject : Selection Matter
- 3 SHAKIL AHMAD AGED 30 YEARS S/O SH. MOJAHIDUL HAQUE R/O S-2/22 4A FOURTH FLOOR, JOGA BAI EXT. JAMIA NAGAR, DL-25 PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
Group 'C' Post, Subject : Selection Matter
- 4 SOUMITRA NATH AGED 47 YEARS S/O LATE SH. SAMIRAN NATH R/O 371-HP PKT-II, MAYUR VIHAR PHASE-1, DELHI-91, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
Group 'C' Post, Subject : Selection Matter
- 5 HARJINDER SINGH AGED 34 YEARS S/O SH. HARJEET SINGH R/O H.NO.158, ARJUN NAGAR PO-SAFDARJUNG ENCL. DELHI-29, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
Group 'C' Post, Subject : Selection Matter



- 6 AMIT KUMAR PANCHAL AGED 32 YEARS S/O SH. SATISH KUMAR PANCHAL R/O H.NO.105 STREET NO.2 BUDDHA VIHAR, MANDOLI, DELHI-93, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
Group 'C' Post, Subject : Selection Matter
- 7 MIHIR KR. MISHRA AGED 39 YEARS S/O SH. N.K. MISHRA R/O C-217 FIRST FLOOR, PANDAV NAGAR DELHI-92, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
Group 'C' Post, Subject : Selection Matter
- 8 PRITAM SINGH AGED 49 YEARS S/O SH. OMKAR SINGH R/O 5B-42 FLAT NO.F-1 SHALIMAR GARDEN EXT.-2 SAHIBABAD. GHZ, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
Group 'C' Post, Subject : Selection Matter
- 9 ANITA KHURANA AGED 39 YEARS S/O SH. LOKNATH R/O 525, LAXMI BAI NAGAR, NEW DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
Group 'C' Post, Subject : Selection Matter
- 10 ASHOK KUMAR AGED 32 YEARS S/O SH. DINANATH WADHWA R/O SECTOR-3/11 OLD MAHAVIR NAGAR TILAK NAGAR, DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
Group 'C' Post, Subject : Selection Matter
- 11 SACHIN DEEP AGED 35 YEARS S/O SH. BABU LAL R/O B-173, MIG FLAT, LONI ROAD SHAHARA, DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT AKS ITI, DELHI.
Group 'C' Post, Subject : Selection Matter
- 12 MANISH KUMAR SHARMA AGED 32 YEARS S/O SH. R.D SHARMA R/O 2936-A/218, VISHRAM NAGAR, JAI MATA MARKET, TRI NAGAR, DELHI-110035, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT BTC PUSA, DELHI.
Group 'C' Post, Subject : Selection Matter
- 13 VIKRAM SINGH AGED 33 YEARS S/O SH. SURESH KUMAR R/O H.NO.121, VILLAGE BAPROLA, POST-NAJAFGARH, NEW DELHI, PRESENTLY



WORKING AS CRAFT INSTRUCTOR AT JAFFER PUR, DELHI.

Group 'C' Post, Subject : Selection Matter

- 14 HEMRAJ SINGH AGED 35 YEARS S/O DEVI SINGH R/O A-6/136-A JANTA FLATS, PAXCHIM VIHAR ND-110063, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT JAFFER PUR, DELHI.

Group 'C' Post, Subject : Selection Matter

- 15 ANITA AGED 35 YEARS S/O SH. VIJAY KUMAR R/O VPO- UJWA NAJAFGARH NEW DELHI-73, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT JAFFER PUR, DELHI.

Group 'C' Post, Subject : Selection Matter

- 16 RAJESH KUMAR AGED 36 YEARS S/O JAGPAL SINGH R/O A-1, BUDH VIHAR, PHASE-2, RITHALAR ROAD, NEW DELHI-110086, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT M.NAGAR, DELHI.

Group 'C' Post, Subject : Selection Matter

- 17 SUDHIR KUMAR KANOJIA AGED 40 YEARS S/O SH. DIN DAYAL KANOJIA R/O E-92, VISHWAKARMA, COLONY MB ROAD, NEW DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT M.NAGAR, DELHI.

Group 'C' Post, Subject : Selection Matter

- 18 DHEERAJ KUMAR AGED 29 YEARS S/O SH.VISHNU SHARMA R/O 8A GALI NO.10/1, 1/6779, EAST ROHTASH NAGAR, SHAHDARA, DELHI-110032, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT M.NAGAR, DELHI.

Group 'C' Post, Subject : Selection Matter

- 19 GIRISH SHARMA AGED 37 YEARS S/O SH. LEELADHAR R/O H.NO.15, SHIV MANDIR, GALI MANJPUR, NEW DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT NAND NAGRI, DELHI.

Group 'C' Post, Subject : Selection Matter

- 20 RAKHI VERMA AGED 35 YEARS S/O SH. MAHINDER R/O H.NO.44, STREET NO.5 GANGA SHAHI COLONY, DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT NAND NAGRI, DELHI.

Group 'C' Post, Subject : Selection Matter



21 NIRMAL PRAKASH AGED 54 YEARS S/O SH. R.D SHARMA R/O FIRST FLOOR, KU-18, PITAM PURA, DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT NAND NAGRI, DELHI.
Group 'C' Post, Subject : Selection Matter

22 ANIL KUMAR AGED 40 YEARS S/O SH. PHOOL SINGH R/O G-513, SRI NIWAS PURI DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT NARELA, DELHI.
Group 'C' Post, Subject : Selection Matter

23 JAGDEEP DABAS AGED 37 YEARS S/O SH. RAJ SINGH R/O H.NO.06, VILLAGE-SULTAN PUR DABAS, P.O-POOTH KHURD, DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT NARELA, DELHI.
Group 'C' Post, Subject : Selection Matter

24 YATINDER AGED 39 YEARS S/O SH. P.C. SHARMA R/O 38A SAHID CHANDER MARG UTTAM NAGAR, DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT NARELA, DELHI.
Group 'C' Post, Subject : Selection Matter

25 RAKESH KUMAR AGED 37 YEARS S/O SH. BARKAT SINGH R/O 1/3594, RAM NAGER, SHAHDARA, DELHI-32, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT SHAHDARA, DELHI.
Group 'C' Post, Subject : Selection Matter

26 DEEPAK KUMAR AGED 32 YEARS S/O N.K TEWARI R/O K-7/1, WEST GHONDA GALI NO.5, P.O MAUJPUR DELHI-53, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT SHAHDARA, DELHI.
Group 'C' Post, Subject : Selection Matter

27 RAJNI AGED 30 YEARS S/O SH. RAM GOPAL R/O H.NO.D/26, GOPAL NAGAR, NAJAFGARH, NEW DELHI-43, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT JAFFER PUR, DELHI.
Group 'C' Post, Subject : Selection Matter

28 SANGEETA AGED 32 YEARS S/O SH. RAM PRAKASH KHURANA R/O VPO- MANKROLA, DISTT-GURGAON, HARYANA, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT JAFFER PUR, DELHI.
Group 'C' Post, Subject : Selection Matter



29 RAJBIR AGED 31 YEARS S/O RADHEY SHYAM R/O VPO-SHIKARPUR, NEW DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT JAFFER PUR, DELHI.

Group 'C' Post, Subject : Selection Matter

30 LOVE KUMAR AGED 39 YEARS S/O KHAJAN SINGH R/O RZ-50, UGGAR SAIN PARK NAJAFGARH NEW DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT PUSA, DELHI.

Group 'C' Post, Subject : Selection Matter

31 ANIL BHARDWAJ AGED 35 YEARS S/O DEVRAJ BHARDWAJ R/O PLOT NO.51, 51/17 GRAM SABHA PLOT PEHLAD PUR BANGAR, DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT ITI-JAIL ROAD, DELHI.

Group 'C' Post, Subject : Selection Matter

32 WAHEEDUDDIN AGED 36 YEARS S/O SHSHABUDDIN KHAN R/O C-108, JOHARI FARM, JAIMIA NAGAR, DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT MAYUR VIHAR, DELHI.

Group 'C' Post, Subject : Selection Matter

33 NARENDER KUMAR AGED 54 YEARS S/O RAM KISHAN R/O G-15/5, MALVIYA NAGAR, DELHI, PRESENTLY WORKING AS CRAFT INSTRUCTOR AT MAYUR VIHAR, DELHI.

Group 'C' Post, Subject : Selection Matter

34. Manoj Verma Aged 49 years S/o Sh. Prem Singh R/o H.No. 79, Rajendra Park, Ext. Nagloi, Delhi, Presently working as Craft Instructor at Pusa, Delhi.

...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 DIRECTOR
DEPARTMENT OF TRAINING & TECHNICAL
EDUCATION, MUNI MAYA MARG,
PITAM PURA NEW DELHI-110034.
- 4 DELHI SUBORDINATE SERVICE SELECTION
BOARD
FC-18, INSTITUTIONAL AREA,
KARKARDOOMA,
DELHI- 110092
- 5 DIRECTOR GENERAL
DIRECTORATE OF TRAINING,
MINISTRY OF SKILL DEVELOPMENT
AND 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.385/2020 (**Nirdosh Gautam 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.37/2020 seeking recall/review of the order dated 17.12.2019 passed in OA No.3645/2019. 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.

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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.

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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.

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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)

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