(15)

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 1341 of 1996

alongwith connected matters

Allahabad this the 02nd day of March, 2001

Hon'ble Mr.S.K.I. Naqvi, Member (J)
Hon'ble Mr.S.A.T. Rizvi, Member (A)

O.A.No. 1341 of 1996

Ram Briksha Yadav, Son of Shri Ram Pati Yadav
Resident of M/s Girish Medical Hall, Charphatak,
Mohiddipur, District Gorakhpur.

Applicant

By Advocates Shri Saumitra Singh
Shri S.W. Ali.

Versus

1, Union of India through its General Manager,
North Eastern Railway, Gorakhpur.

2. Chief Work Manager, North Eastern Railway,
Distt.Gorakhpur.

3. Chief Mechanical Engineer, Work(P),Eastern
Railway, Gorakhpur.

Respondents

By Advocate Shri Lalji Sinha

O.A.No.393 of 1997

Radhey Shyam Yadav, Son of Late Akshayavar Yadav,
resident of Village Harsavakpur No.2, Tola Dahla,
P.O. Jungal,Lakshipur, District Gorakhpur.

Applicant

By Advocates Shri C.B. Yadav,
Shri N.P. Singh

.....pg.2/-

(16)

1. Union of India through the Ministry of Railways Rail Bhawan, New Delhi.
2. General Manager, North East Railway, Gorakhpur.
3. Chief Personnel Manager, North East Railway, Gorakhpur.
4. Chief Work Manager, Workshop, North East Railway, Gorakhpur.

Respondents

By Advocates Shri Lalji Sinha
& Shri A.K. Gaur.

O.A.No. 785/97

1. Jagdamba Misra S/o Sri Ramakar Prasad Misra H.No.C-124/520, Jatepur North, P.O. Jatepur, District Gorakhpur.
2. Adhar Chandra Srivastava S/o Sri Surat Chand Srivastava, R/o Mohalla C-133/27 Shanti Bhawan, Near Railway Crossing, Front of Minarva School, Humayun Pur North, Distt.Gorakhpur.
3. Ajit Kumar Khare S/o Sri Krishna Govind Khare, R/o 13-Kalyanpur, Distt.Gorakhpur.
4. Bhim Shankar Singh S/o Satya Narayan Singh, Village Rampur Maharath, Post Dhara, Sukrauli Distt.Kushinagar(Padrauna).
5. Sunil Kumar Singh S/o Sri Rajyan Singh R/o Village-Deo Katia, Post Sardar Nagar,Gorakhpur.
6. Jai Singh S/o Sri Dharam Deo Singh , R/o Raj-nagar Colony, P.O. Arogya Mandir, Distt.Gorakhpur
7. Madhosharan S/o Sri Vimla Prasad Verma R/oAnuyava Post Belthara Road, Distt.Ballia.
8. Rakesh Kumar Dubey S/o Sankata Prasad Dubey R/o 907 Sumer Sagar, Distt.Gorakhpur.
9. Abdul Kashim C/o Mazhar Hussain R/o Village-Sidhiyari Pur, Near DaraulUllum, Post Gorakhnath, Distt.Gorakhpur.
10. Davendra Kumar Misra S/o Sri Ambika Prasad Misra.

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(17)

11. Ashok Kumar Singh C/o Narsingham, R/o C.W.I. B.T.C., Mechanical Workshop, Indian Railway, Gorakhpur.

12. Lal Chand Yadav S/o Sri Ram Dulare Yadav, R/o Vill.Barua, Post Chhapia, Distt.Gorakhpur.

13. Vijay Pratap Gupta S/o Sri Gabbu Lal Gupta R/o Vill.Brahmapur Post Brahmapur, Distt.Gorakhpur.

14. Vinod Kumar Gupta S/o Dina Nath Prasad, R/o Village-Kharaiya Pokhara, Post Basaratpur, Distt.Gorakhpur.

15. Sandeep Kumar Srivastava S/o Sri Umesh Chandra Srivastava.

16. Amrendra Singh Khare S/o Late Sri Awadhesh Sharan Khare, R/o Mohalla-Madhopur, Post Suraj-kund, Distt.Gorakhpur.

17. Mumtaj Ahmad C/o Jagdamba Misra.

Applicants

By Advocates Shri Saumitra Singh,
Shri V.K. Gupta,
Shri K.C. Sinha,
Shri Ashish Srivastava

Versus

1. Union of India its Secretary, Ministry of Railways, New Delhi.

2. Chairman, Railways Board, New Delhi.

3. General Manager, North Eastern Railway, Gorakhpur Division, Gorakhpur.

4. Chief Personnel Officer, N.E.R.Gorakhpur, Division, Gorakhpur.

5. Railway Recruitment Board, Gorakhpur through its Chairman.

6. Chief Works Manager, Mechanical Workshop, N.E.R. Gorakhpur.

7. General Manager, Northern Railway, New Delhi.

8. Diesel Locomotive Works, Varanasi through its General Manager.

...pg.4/-

9. Railway Recruitment Board, N.R. Allahabad through its Chairman.

10. Chairman, Railway Recruitment Board N.E.R. Muzaffarpur(through the Chief Personnel Officer N.E.R., Gorakhpur).

By Advocates Shri Lalji Sinha,
Shri A.K. Gaur.

O.A.No. 1068 of 1998

1. Ravindra Nath Srivastava S/o Late Shri Madan Mohan Lal Srivastava, R/o Jatepur North, near Kali Mandir, Gorakhpur-273015

2. Shrawan Kumar Sharma, S/o Late Shri Ram Dev Sharma, R/o E.W.S.-248, Surya Vihar Colony, Gorakhnath, Gorakhpur.

Applicants

By Advocate Shri Sushil Kumar Srivastava
Shri Praveen Kumar Srivastava

Versus

1. General Manager, Northern Eastern Railway, Gorakhpur.

2. Gen.Manager, N.R. Baroda House, New Delhi.

3. Chief Personnel Officer, Northern Eastern Railway, Gorakhpur.

4. Chief Mechanical Engineer, Northern Eastern Railway, Gorakhpur.

5. Chief Mechanical Engineer, Northern Railway, Baroda House, New Delhi.

Respondents.

By Advocate Shri A.K. Gaur.

O.A.No. 370 of 1998

Sri Kiran Kumar Gupta S/o Shri D.D.P. Gupta R/o Kusum Villa, Ashok Nagar Colony, Basharatpur City and District Gorakhpur.

Applicant

By Advocate Shri Saumitra Singh

Versus

.....pg.5/-

1. Union of India through Secretary, Ministry of Railway, New Delhi.
2. Chairman, Railway Board, Rail Bhawan, New Delhi.
3. General Manager, Northern Eastern Railway, Gorakhpur.
4. Chief Personnel Officer, Northern Eastern Railway, Gorakhpur.
5. Chief Mechanical Engineer, Northern Eastern Railway, Gorakhpur.
6. Chief Works Manager, Northern Eastern Railway, Gorakhpur.
7. Chairman, Railway Recruitment Board, Northern ~~Railway~~ Eastern Railway, Gorakhpur.
8. Chairman, Railway Recruitment Board, Northern Eastern Railway, Muzzafarpur (through Chief Personnel Orficer, Personnel Officer, Northern
9. Eastern Railway, Gorakhpur.
9. General Manager, Northern Eastern Railway, D.R.M. Office, Allahabad.
10. Chief Personnel Officer, Northern Railway, Allahabad.
11. Chairman, Railway Recruitment Board, Allahabad.

Respondents

By Advocate Shri V.K. Goel

O.A.No. 173 of 1998

1. Durgeshwar Srivastava S/o Sri Ramesh Chandra Srivastava R/o 108 Daudpur, Gorakhpur.
2. Mahaveer Prasad Srivastava S/o Sri Mool Chand Srivastava, Advocate, R/o Girdharganj Bazar, Kunraghat, Gorakhpur.
3. Devendra Kumar S/o Sri Ram Charan R/o Village & Post Piprauli Bazar, Tahsil-Sahjanwa, Gorakhpur.
4. Santosh Murti Singh, Son of Shyam Mohan Singh R/o M.I.G.-83, Shastri Nagar, Gorakhpur.
5. Ajai Kumar Srivastava S/o Sri Pratap Narain Srivastava R/o Indu Kunj Turkmenpur, Gorakhpur.

.....pg.6/-

6. Ramesh Chand Yadav S/o Late Sri Ram Vilas Yadav R/o Banarsi Bhawan, Daudpur,Gorakhpur.

7. Devendra Gupta S/o Manik Chand Gupta C/o Durgeshwar Srivastava, R/o 108 Daudpur, Gorakhpur

8. Tapesh Kumar Gupta S/o Sri Niwash Gupta C/o Durgeshwar Srivastava, R/o 108 Daudpur, Gorakhpur.

9. Bimal Chand Tripathi S/o Rama Shankar Tripathi C/o Murti Nath Tripathi R/o House No.205,Shivpuri New Colony Nehru Road, Rustampur, Gorakhpur.

10. Hemant Kumar S/o Sri Lal Bahadur Shastri R/o Near Kanhaiya House, New Colony Bilandpur, Gorakhpur.

11. Dharmendra Singh, Son of Sri Indra Deo Singh R/o Village Changari Mangara, Post Munderwa, District Sant Kabeer Nagar.

12. Nalini Ranjan S/o Sri Rang Nath Shukla C/o Durgeshwar Srivastava, R/o 108, Daudpur, Gorakhpur.

13. Shambhoo Nath Sharma, S/o Late Ram Briksh Sharma R/o House No.C-124/520, Jatepur North P.O. Jatepur, District Gorakhpur.

14. Deo Prakash Sharma S/o Sri Gyan Dass Sharma R/o C/101/170, Shahmarup, Gorakhpur.

Applicants

By Advocates Shri K.G.Sinha
Shri Ashish Srivastava
Shri Saumitra Singh

Versus

1. Union of India through Secretary, Ministry of Railway, New Delhi.

2. Chairman, Railway Board, Rail Bhawan,New Delhi.

3. General Manager, Northern Eastern Railway, Gorakhpur.

4. Chief Personal Officer, Northern Eastern Railway, Gorakhpur.

.....pg.7/-

5. Chief Mechanical Engineer, Northern Eastern Railway, Gorakhpur.

6. Chief Electrical Engineer, Northern Eastern Railway, Gorakhpur.

7. Chief Works Manager, Northern Eastern Railway, Gorakhpur.

8. Chairman, Railway Recruitment Board, Northern Eastern Railway, Gorakhpur.

9. Chairman, Railway Recruitment Board, Northern Eastern Railway, Muzaffarpur (through Chief Personal Officer, Personal Officer, Northern Eastern Railway, Gorakhpur.

10. General Manager, Northern Railway, D.R.M.Office Allahabad.

11. Chief Personal Officer, Northern Railway, Allahabad.

12. Chairman, Railway Recruitment Board, Allahabad.

13. General Manager, Locomotive Works, Varanasi.

Respondents

By Advocates Shri A.K. Gaur
Shri P. Mathur.

O.A. No.907 of 1998

Sri Dinesh Singh, Son of Sri Amarnath Singh, R/o Village and Post Akorha, District Varanasi.

Applicant

By Advocates Shri R.N. Singh
Shri V.K. Chandel

Versus

1. Union of India through its Secretary, Ministry of Railways, New Delhi.

2. Chairman, Railways Board, New Delhi.

3. General Manager, North Eastern Railway.

4. Chief Personal Officer, North Eastern Railway, Gorakhpur Division, Gorakhpur.

.....pg.8/-

5. Railway Recruitment Board, Gorakhpur through its Chairman.

6. Chief Works Manager, Mechanical Workshop, North Eastern Railway , Gorakhpur.

7. General Manager, Northern Railway.

8. Diesel Locomotive Works, Varanasi through its General Manager,

Respondents

By Advocates Shri V.K. Goel
Shri A.K. Gaur
Shri A.Sthalekar

O R D E R (Oral)

By Hon'ble Mr.S.A.T. Rizvi, Member (A)

The applicants in all these O.As are degree/diploma holders in mechanical and electrical trades and have also undergone the prescribed training under the Apprentices Act, 1961 (hereinafter called Course Completed Act Apprentices). Consequent upon successful completion of training under the said Act, they have been seeking employment in the respondents establishment in pursuance of various Employment Notices issued by the respondents from time to time. The facts and circumstances in all these O.As are similar and the issues are identical. Learned counsel on either side have agreed that these are ideally suited for disposal by a common order. We accordingly proceed to do so by this order.

2. We will first recall the facts contained in these O.As in brief. The applicant in O.A.1341/96 is a diploma holder in Mechanical Engineering. He applied for Apprenticeship under the aforesaid Act of 1961 for the year 1979-80. He successfully

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completed the apprenticeship course on 13.9.1980. In O.A.No.393/97 also the applicant is a diploma holder in mechanical engineering. He completed apprenticeship training on 19.2.1983. O.A.No.785/97 involves 17 applicants who too have completed apprenticeship training successfully from the Mechanical Workshop of Gorakhpur division. Similiarly both the applicants in O.A.No.1068 of 1998 have also completed their apprenticeship training from the same Workshop at Gorakhpur. The applicant in O.A.370/98 is a degree holder in Mechanical Engineering. This applicant has completed the prescribed course of apprenticeship training in October, 1994. All the 14 applicants in O.A.No.173/98 have undergone apprenticeship training in the same Workshop located at Gorakhpur. Likewise the applicant in O.A.No.907 of 1998 is a diploma holder. He has undergone the aforesaid training under the Apprenticeship Act, 1961.

3. As stated, the applicants are aspirants for a regular job in the respondents' set up and have from time to time filed applications for appointment although without success so far. In some case the applicants have undergone the prescribed test including the written test also but, again without success.

4. The main contention raised in all these O.As is that these cases are fully covered by the guide lines laid down by the Hon'ble Supreme Court in 'U.P.State Road Transport Corporation and another Vs.U.P.Parivahan Nigam Shishukhs Berozgar Sangh and Others A.I.R.1995 S.C.1115' and accordingly they

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should have been favourably considered for appointment even without undergoing the written test prescribed under the relevant regulations. Alongside a few other contentions have also been raised. One of the contention so raised in advance the plea that the relevant service rules provide for reservation in matters of appointment in favour of !Course Completed Apprentices to the tune of 25%. Further, on the same issue, instructions issued by the Government of India in the Ministry of Labour have also been relied upon to put forward the plea that the reservation virtually extends to 50% of the total under the direct recruitment quota.

5. We will first deal with the basic issue raised, which is with reference to the guide-lines prescribed by the Supreme Court in U.P.S.R.T.C. case (supra). Para-12 of the Judgment rendered by the Supreme Court in that case is relevant for our purpose, and the same provides as under;

> "In the background of what has been noted above, we state that the following would be kept in mind while dealing with the claim of trainees to get employment after successful completion of their training:-
>
> (1) Other things being equal, a trained apprentice should be given preference over direct recruits.
>
> (2) For this, a trainee would not be required to get his name sponsored by any employment exchange. The decision of this Court in Union of India V. Hargopal, AIR 1987 S.C.1227, would permit this.
>
> (3) If age bar would come in the way of the trainee, the same would be relaxed in accordance with what is stated in this regard, if any, in

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the concerned service rule. If the service rule be silent on this aspect, relaxation to the extent of the period for which the apprentice had undergone training would be given.

(4) The concerned training institute would maintain a list of the persons trained year wise. The persons trained earlier would be treated as senior to the persons trained later. In between the trained apprentices, preference shall be given to those who are senior."

6. It would be seen from the above that the requirement of sponsorship by the Employment Exchange has been waived together with the age bar at the time of consideration of the claim of the Course Completed Act Apprentices. The training institutes imparting training to the apprentices have also been required to maintain lists of persons trained yearwise, so as to determine inter-se seniority of the trained apprentices. However, the main guide line laid down by the Supreme Court is the one listed at no.(1) in the above para which provides that 'Other things being equal, a trained apprentice will be given preference over the direct recruits. One of the learned counsel appearing for the respondents has strenuously urged that this single guide-line holds the key to a proper decision in these O.As. According to him, the aforesaid single guide-line unequivocally lays down that the Course Completed Act Apprentices also have to undergo the same selection process which others will be required to undergo at the time of recruitment. The only difference in the case of Course Completed Act Apprentices would be that in

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the event of equality of marks obtained during the written test and the viva voce test, the Course Completed Act Apprentices will be preferred for appointment. In order to bring home this point more emphatically, the learned counsel submits that the process of selection involves a written test which carries 85% of total marks and a viva voce test carrying 15% marks only. Thus, according to him, it will sound highly illogical if the Course Completed Act Apprentices are permitted not to undergo the aforesaid written test as in that event a comparison between the said apprentices and the others will be rendered totally illusory. We are inclined to agree with the aforesaid reasoning advanced by the learned counsel for the respondents.

7. Learned counsel appearing for the applicants have, however, placed reliance on para-13 of the same judgment by the Supreme Court. The said paragraph, for the sake of convenience, is reproduced as under;

> "In so far as the cases at hand are concerned, we find that the Corporation filed an additional affidavit in C.A.Nos4347-4354 of 1990(as desired by the Court)on 20th October, 1992 giving position regarding vacancies in the posts of conductors and clerks. If such posts be still vacant, wed direct the Corporation to act in accordance with what has been stated above regarding the entitlement of the trainees. We make it clear that while considering the cases of the trainees for giving employment in suitable posts, what has been laid down in the Service Regulations of the Corporation shall be followed, except that the trainees would not be required to appear in any written examination, if any provided by the Regulations. It is apparent that before considering the cases of the trainees,

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the requirement of their names being sponsored by the employment exchange would not be insisted upon. In so far as the age requirement is concerned, the same shall be relaxed as indicated above."

Learned counsel has argued that after proper and full consideration of the matter, the Supreme Court has found it fit to lay down that "what has been laid down in the Service Regulations of the Corporation shall be followed, except that the trainees would not be required to appear in any written examination, if any provided by the Regulations." That is to say according to the learned counsel, the Course Completed Act Apprentices are just not required to undergo any written test whatsoever and should be appointed straightaway after a viva-voce test if that is prescribed in the Service Regulations. We have considered the aforesaid arguments advanced by the learned counsel and agree that the view advanced by them can be one of the views that can be held after a cursory reading of the aforesaid judgment. In other words, the view expressed by the learned counsel is, according to us, a prima-facie view and is required an in-depth examination before it is accepted. What we are concerned about is the true import of the aforesaid provision which, on the face of it, exempts the Course Completed Act Apprentices from the written test. Admittedly this is an area of doubt which needed clarification, and accordingly was raised as a specific issue before the Full Bench of the High Court at Allahabad. That Court has examined the same issue alongwith the others in 'Arvind Gautam Vs. State and U.P. and

....pg.14/-

(28)

Others 1999(2)Educational and Service Cases 1394(All).

Their Lordships have examined in particular the following specific issue;

> "to examine and decide whether the directives of the judgment of Supreme Court in the case of U.P.State Road Transport Corporation V.U.P. Parivahan Nigam Shishuksha Berodgar Sangh and Others reported in J.T.1995(2) S.C.26 should be confined to U.P.S.R.T.C. alone or they are applicable to all departments or all Corporations."

The aforesaid issue has been answered by their Lordships in following terms;

> "5. A question has been raised as regards exemption of apprentice trainee from competitive test for direct recruitment as referred to in paragraph 13. The initial expression in paragraph 13 of the said judgment clearly indicates that the said observations in paragraph 13 were in the specific factual background of the cases in hand in the said proceeding. Special affidavits have been considered in the said paragraphs. A perusal of the directives in paragraph 12 of the said judgment makes it clear that the only benefits apprentices are held to be entitled for exemption from recommendation by the employment exchange and relaxation as regards age bar to the extent of the period of their apprenticeship.
>
> 6. In our view the expression "other things being equal" in paragraph 12 and absence of exemption from competitive test in the said paragraph leads to the conclusion that all person including the apprentices have to appear in the competitive test, as may be prescribed in respect of the particular selection, and if after the competitive test any apprentice trainee gets equal marks than a non-apprentice candidate, then only preference is to be given to the said apprentice trainee."

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8. We find that the learned court has clearly provided that the Course Completed Act Apprentices also have to undergo a written test alongwith others as provided in the relevant service regulations.

9. A similar issue came up for consideration once again a little later before the Allahabad Bench of the Tribunal. The issue in question has been answered on the lines of the Judgment of the Full Bench of the High Court, in Tribunal's order dated 02.7.1999 in O.A.No.432 of 1998. Being a co-ordinate Bench of this Tribunal, we are bound by the principle upheld in the aforesaid judgment. Needless to say that we are equally bound to go by the verdict of the Full Bench of the High Court in the aforesaid case. The main issue is, therefore, satisfactorily resolved in our view, and we are inclined to hold without hesitation that the Supreme Court in its Judgement in U.P.S.R.T.C.'s case(supra) has not exempted the Course Completed Act Apprentices from the written test. We also hold that in para-13 of the aforesaid Judgment, the exemption granted, was specifically granted only in relation to the U.P.S.R.T.C. apprentices seeking employment at the material time. The same does not and cannot find general application and will, therefore, not apply in the O.A.s under consideration.

10. We will now take up the issue regarding reservation argued by the learned counsel for the applicants. We find that the same has been discussed at some length in M.Roy Choudhary and Others Vs. Union

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of India and Others (1999) 3 S.C.C. 649. A perusal of the judgment in that case would reveal that, in accordance with Rule 159 of the Rules for Recruitment and Training of Group 'C' and Group 'D' and Workshop staff, out of the vacancies in the category of skilled artisans group 'C', 25% of the post have to be filled up by selection from the Course Completed Act Apprentices I.T.I. passed candidates and matriculates from the open market. Serving employees who were course completed 'Act Apprentices' or I.T.I. qualified, could be considered against this quota, allowing age relaxation as applicable to service employees. The aforesaid judgment goes on to say that, for the aforesaid 25% of the posts, 3 categories were to be considered for selection, namely,

(1) 25% by selection from course completed "Act Apprentices"
(2) ITI passed candidates and matriculates from the open market
(3) Serving employees who were course completed "Act Apprentices" or ITI qualified.

Learned Court has observed that the appellants in that case were qualified to be recruited for the above posts. However, they proceeded to examine the question whether the appellants (in that case) had a right to be selected only because they had been sent for training under the Act. After examining the issue in the light of the provisions made in Section 25 of the Apprentices Act, 1961, the learned Court reached the conclusion that though under Rule 159 of the Rules of Recruitment and Training, 25% of the posts were to be ~~selected~~ filled from the Course

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completed "Act Apprentices" like the appellants in that case, the appellants and those similarly situated could not claim appointment as a matter of right ~~for this post~~. In other words, the learned Court has laid down ~~as~~ that despite reservation as above, no exemption can be granted to the applicants from appearing in the written test as well as the viva voce test both of which are prescribed under the relevant service regulations. The same position will hold good in relation to the Government of India, Ministry of Labour and Rehabiliation(Department of Labour) letter dated 23.3.1983 produced by the learned counsel for the applicants placed at annexure A-6 in O.A.No.785/97, which apparently provides for 50% reservation in favour of course completed 'Act Apprentices'. On the perusal of the same, we find that it cannot be said to be a directive issued to the Ministries. It is a letter issued to the State Apprenticeship Advisors who have been called upon to make efforts to ensure that upto 50% vacancies under the direct recruitment quota are filled up by the course completed Act Apprentices. It is, at the same time, in the nature of a recommendation. If one has regard to the observation of the Supreme Court in M.Roy Chaudhary and Others(supra), aforesaid letter of 23.3.1983 also does not provide any ground for seeking exemption from the written test prescribed under the Service Regulations. The net effect of the aforesaid letter would be that subject to the course completed 'Act Apprentices' undergoing the same selection process as is required to be undergone by the others, appen

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the Apprenticeship Advisors deployed in various States of India will try to see that course completed 'Act Apprentices' are recruited if possible upto 50% of the total. Thus, no amount of arguments advanced by the learned counsel for the applicants would succeed in convincing us that written test should be precluded in the case of course completed 'Act Apprentices'.

11. Learned counsel appearing for the respondents have argued that following the judgment of Supreme Court in U.P.S.R.T.C.case(supra) the matter has been considered by the Railway Board who have come out with a circular letter dated 26.8.1996 on the subject of recruitment of course completed 'Act Apprentices' in the Railways. Last paragraph of the aforesaid letter is relevant for our purpose and the same is produced as under;

> "In other words, while there will be no change in the procedure of recruitment and the selection for recruitment will be in accordance with the merits of the eligible candidate, where other things are equal between two candidates, the candidate who is course completed 'Act Apprentice' trained in Railway Establishment will be given preference over the candidate who is not such an apprentice."

According to the learned counsel, Railway Board have the powers under Rule 157 of Railway Code to law down statutory rules regarding Group 'C' and Group 'D' services in the Indian Railways. Thus the aforesaid circular letter will have the force of a statutory rule. The circular inquestion also does not provide for any exemption from the written

test and, therefore, no such exemption can be given to the applicants in the O.As under consideration. The proper course for the applicants, according to the learned counsel, will be to challenge the validity of the aforesaid circular letter. It is only then, that is the question of granting exemption from the written test can possibly arise but, that would depend upon the verdict of the apex Court.

12. In the circumstances brought out in the preceding paragraphs, we are inclined to hold that all the O.As are devoid of any merit and deserve to be dismissed. The O.As are dismissed without any order as to cost.

Member (A) Member (J)

/M.M./