

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH
Original Application No.251/2017 with M A No. 230/2017.**

Dated this the 9th day of June, 2021

Reserved on: 20.01.2021

Pronounced on: 09.06.2021

CORAM :

Hon'ble Sh. Jayesh V. Bhairavia, Member (J)

Hon'ble Sh. Dr. A.K. Dubey, Member (A)

1. Patel Dineshkumar Dashrathbhai,
Aged: 34 years, Male,
Residing at: 107, Dharmik Flat,
Nr. Arjun Ashram Road,
Chandlodia, Ahmedabad – 382481.
2. Kureshi Muzaffar Husen Mayuddin,
Aged: 26 years, Male,
Residing at: Setvad, Inside Bharvadi Gate,
Viramgam – 382150.
3. Ramani Jitendra Kalyanbhai,
Aged: 35 years, Male,
Residing at: 17, Lalitadevi Park Society,
Navnirman School, Ranip,
Ahmedabad – 382480.

...Applicants

(By Advocate Shri Jeet J Bhatt, J P Bhatt)

V/S

1. The Union of India,
Notice to be served through
The Secretary,
Department of Space, Government of India,
Antariksh Bhavan, New BEL Road, Bengaluru – 560231.
2. Indian Space Research Organisation,
Notice to be served through,
Chairman,
Department of Space, Government of India,
Antariksh Bhavan, New BEL Road, Bengaluru – 560231.

3. Space Application Centre,
Notice to be served through The Director,
Building No. 33, Ambawadi Vistar P.O.,
Jodhpur Tekra, Ahmedabad – 380015.
4. Purohit Ravikant Manoarlal,
Aged: Adult, Male,
Occu: Technician 'B' Electronics
Building No. 33, Ambawadi Vistar P.O.,
Jodhpur Tekra, Ahmedabad – 380015.
5. Patil Satish Kailashbhai,
Aged: Adult, Male,
Occu: Technician 'B' Electronics
Building No. 33, Ambawadi Vistar P.O.,
Jodhpur Tekra, Ahmedabad – 380015.
6. Basant Ballabh Pandey,
Aged: Adult, male,
Occu: Technician 'B' Electronics
Building No. 33,
Ambawadi Vistar P.O., Jodhpur Tekra,
Ahmedabad – 380015 (Deleted as per Order
Dated 06/06/2018)
7. Bhuva Hareshkumar Chhaganlal,
Aged: Adult, Male,
Occu: Technician 'B' Electronics
Building No. 33, Ambawadi Vistar P.O.,
Jodhpur Tekra, Ahmedabad – 380015.
8. Koshti Jayeshkumar Tulsidas,
Aged: Adult, Male,
Occu: Technician 'B' Electronics
Building No. 33, Ambawadi Vistar P.O.,
Jodhpur Tekra, Ahmedabad – 380015.
9. Sanakakumar S,
Aged: Adult, Male,
Occu: Technician 'B' Electronics
Building No. 33, Ambawadi Vistar P.O.,
Jodhpur Tekra, Ahmedabad – 380015.

10. Nagar Bhaveshkumar Kanaiyalal,
Aged: Adult, Male,
Occu: Technician 'B' Electronics
Building No. 33, Ambawadi Vistar P.O.,
Jodhpur Tekra, Ahmedabad – 380015.
11. Ahir Narendra Nathubhai,
Aged: Adult, Male,
Occu: Technician 'B' Electronics
Building No. 33, Ambawadi Vistar P.O.,
Jodhpur Tekra, Ahmedabad – 380015.
12. Chauhan Arjunsinh,
Aged: Adult, Male,
Occu: Technician 'B' Electronics
Building No. 33, Ambawadi Vistar P.O.,
Jodhpur Tekra, Ahmedabad – 380015.
13. Detholia Ajay Yogeshbhai
Aged: Adult, Male,
Occu: Technician 'B' Electronics
Building No. 33, Ambawadi Vistar P.O.,
Jodhpur Tekra, Ahmedabad – 380015. ... Respondents

By Advocate Ms. R. R. Patel (1 to 3)
& Mr. M. S. Rao (4, 5 & 7 to 13)

ORDER

Per Shri Jayesh V Bhairavia, Member (J)

1 In the instant OA aggrieved by the selection and appointment of private respondent no. 4 to 13 as per publication of result for the recruitment to the post of TECHNICIAN – 'B' (ELECTRONICS) dated 10.06.2016 (Ann. A/8), the applicants herein has file the present OA u/s 19 of AT Act, 1985 seeking following reliefs :

“Para 8(1) This application may be admitted;

8(2) *This Hon'ble Court may be pleased to hold and declare that the appointments of respondent no. 4 to 13 made by the respondent no. 3 charging the educational qualifications is illegal and arbitrary and therefore to quash and set-aside the appointment of Respondent no. 4 to 13 and direct the respondent*

no. 3 to operate the waiting list and appoint the applicants on the post of Technician 'B' Electronics."

2. That the facts of the case, in brief, are as under:
 - 2.1 The applicants herein had completed the course of training at Industrial Training Institute (ITI) and had passed the prescribed Trade Test in the trade of "Electronics Mechanic" and possess the National Trade Certificate issued by the of National Council for Vocational Training (referred as "NCVT") (Ann. A/1 & 2 Colly.).
 - 2.2 The applicant no. 1 & 3 herein were selected for apprenticeship by the office of respondent no. 3. On completion of 1 year apprenticeship successfully, they were awarded with the National Apprenticeship Certificate (Ann. A/3 & 4).
 - 2.3 Thereafter the applicant no. 1 & 3 were appointed on the post of Technician 'B' Electronic through outsourcing agency and had worked with the office of respondent no. 3 for a period of 10 years. The applicant no. 2 was also appointed through outsourcing agency in the year 2012 for the same post and is currently working on the same post through the outsourcing agency.
 - 2.4 On 03.12.2013, an Advertisement was issued by respondent no. 3 for direct recruitment of various Technical posts including 41 posts (UR – 22, OBC – 10, SC – 02, ST – 07) of "Technician 'B' Electronics" vide Advertisement No. SAC: 04/2013 dated 03.12.2013 (Ann. A/5).

As per the said advertisement the essential qualification for the post code 1, i.e., Post and Trade of Technician 'B' in Electronic Trade was prescribed as **"SSC/SSLC Pass + ITI (NCVT) in Electronic Trade."**

Further, job requirement was prescribed as "the candidate will have to be required to work in the area of PCB fabrication and wiring / assembly of electronics packages / assembly of Microwave Integrated Circuits / in Testing of Electronic Hardware for Payloads / Maintenance support of lab equipments like EDM / Electron beam lithography system / soldering stations / inspection systems / dicing / cutting /drilling of SAW / MIC / LTCC and other microelectronic modules /

loading and unloading the payload hardware for T & E and test samples of various environmental tests, etc.”

- 2.5 Since, the applicants herein were holding the educational qualification of SSC + ITI (NCVT) in Electronic Trade as the requisite qualification mentioned in the advertisement, they applied for the post of Technician ‘B’ in Electronic Trade (Ann. A/6).
- 2.6 The applicants herein on successfully passing the said written examination with higher marks, were invited for oral interview/trade test scheduled on 11.12.2015 vide email dated 09.11.2015 (Ann. A/7). It is stated that candidates called for oral interview/trade test were to produce original testimonials such as mark-sheets and certificates of all educational qualifications, experience, age, caste etc. as a proof of the details furnished in their application.
- 2.7 Thereafter, vide order dated 10.06.2016 (Ann. A/8) the respondent no. 3 published the result of interviews for the recruitment to the post of Technician ‘B’ (Electronics) wherein the name of applicant no. 1 was shown in the waiting list at Sr. No. 5 in general category, the applicant no. 2 was shown at waiting list Sr. No. 3 of the OBC category and applicant no. 3 was shown at waiting list Sr. No. 6 in general category. In the said result, it was mentioned by the respondent no. 3 that the waiting list would be valid up to 22.02.2017 only.
- 2.8 As the waiting list was not operated, the applicant no. 3 submitted his representation dated 19.02.2017 before the Head, P&GA Space Application Centre, Ahmedabad wherein it was stated by the applicant that he came to know that the candidates who were not holding required qualification as per advertisement were offered appointment by the Recruitment Section. It was brought to the knowledge of the respondent that last year, ISRO Satellite Centre, Bangalore had not allowed certificate of ITI Trade in Radio & TV Mechanic for the post of Technician – ‘B’ (Electronics) and declared such candidate ineligible for the appointment. Therefore, the applicant had requested the respondent to take necessary action to terminate the ineligible candidates/appointees, i.e., private respondent no. 4 to 13 herein.

Further, it was requested that Selection Panel would be valid for 1 year from the date of publication on website therefore Panel in waiting list is required to be valid up to 09.06.2017 instead of 22.02.2017 or extend it for another 6 months.

In response to applicants letter dated 09.02.2017 the respondent no.3 herein, through Email dated 12.04.2017 (Ann A/10), informed the applicants that candidates having qualification of Mechanical in Radio and TV (MRTV) have been shortlisted for selection by the duly constituted Screening/Selection Committee as MRTV and Electronic Mechanic are grouped under the same category i.e. Electronics in terms of schedule 1, Rule 3(1) and Rule 7(1) of Apprenticeship Rule 1992 and DGET letter dated 17.02.1984.

Hence the applicants have filed this OA.

3. The Learned counsel for the applicants Mr. Jeet J. Bhatt mainly submitted as under:-

3.1 Pursuant to the advertisement issued by respondent no. 3, several candidates who were holding the ITI (NCVT) certificate in the trade of Mechanic Radio & TV had also applied for the post of Technician 'B' Electronic Mechanic Trade by providing false information in the application form. The private respondent no. 4 to 13 are such candidates and they do not possess the requisite educational qualification as prescribed in the advertisement. The respondent no. 3 erred in appointing the said respondent no. 4 to 13. As such they should have been disqualified from the selection on the ground of lack of requisite qualification.

3.2 The learned. counsel for the applicant relied on the judgment passed by Hon'ble Supreme Court in case of Krushna Chandra Sahu Vs. State of Orissa in 1995 (6) SCC 1 wherein it was held that the Screening/Selection Committee of the respondent does not have the power to change or amend the educational qualification prescribed in the advertisement and submitted that in the present case contrary to the requisite qualification prescribed in the advertisement the respondent no. 3 had allowed the candidates having ITI certificate in Mechanic

Radio & TV Trade to appear in the Skill Test & Interview and eventually appointed them. The said illegal action of the respondent was required to be quashed and set aside.

3.4 The respondent no. 3 failed to consider the fact that the respondent no. 4 to 13 herein had made false statement in their application form and they had submitted their Trade certificate in Electronics Mechanic and therefore their application should have been rejected out rightly on the said ground alone.

3.6 It is submitted that Trade of Electronics Mechanic is not equivalent to the Trade Mechanic Radio & TV. The Apprenticeship Rules, 1992 does not in any manner stipulate that both the trades are equivalent to each other. Further, the work to be carried out by the Technician 'B' Electronics is different from the work to be carried out by candidates having ITI certificate in Mechanical Radio & TV and therefore, the same cannot be treated as equal. The respondent no. 3 has not issued any corrigendum or amendment to the advertisement without which there cannot be any changes in the requisite qualification for the post to be filled by way of direct recruitment. Therefore the recruitment process is vitiated and the appointment of private respondent is required to be terminated.

3.7 The learned counsel also argued that respondent no. 2 in its advertisement for the post of Technician 'B' Electronics dated 28.05.2016 (Ann. A/11) had not included the qualification/trade of Mechanic Radio & TV, therefore, the respondent no. 3 in the present case clearly erred in allowing the private respondent no. 4 to 13 to participate in recruitment process and appointing them on the Post of Technician 'B' Electronics.

4 Per Contra, the official respondent have filed their counter reply and denied the claim of applicants. The learned standing counsel Ms. R. R. Patel for respondent no. 1 to 3 mainly submitted as under :-

4.1 It is submitted that in the year 2013, the ISRO / DOS had sanctioned total 41 posts of Technician 'B'(Electronics) for direct recruitment. The qualification prescribed for recruitment of Technician in different Trade

at the induction level is SSC / SSLC pass + ITI (NCVT). Accordingly, an advertisement dated 03.12.2013 was published by the respondent no. 3 inviting application from eligible candidates through online registration. It was made clear that it was mandatory to send hard copy of online application along with details of the applicant as per prescribed requisite in the application form.

- 4.2 Electronics is a larger discipline under which different Trades like Electronic Mechanic, Mechanic Radio & TV, Mechanic Industrial Electronics, etc. are offered by ITIs with more or less identical syllabus. As per the job requirement, the candidates will be required to work in different area as stated in the advertisement. As such, the respondents had never prescribed Electronic Mechanic alone as the qualification required for this particular post. The ld. counsel relied upon the terms of advertisement dated 03.12.2013 (Ann. R/1).
- 4.3 In response to the advertisement, 5550 online applications were registered and the respondents have received 3743 hard copies from the candidates. The duly constituted Screening Committee met on 07.11.2014 in SAC (ISRO) to discuss the modalities for the selection for the post of Technician 'B' (Electronics). The Screening Committee had decided to conduct written test of all the candidates who have scored 60 % and above marks in ITI for further short listing. Further, the Screening Committee was required to take into consideration the marks scored by the candidates in the written test which was recommended as the criteria to call for skill test / personal interview of the candidates. Accordingly, a merit list of written test was prepared and the list of 355 candidates were screened in for skill test / personal interview by the Screening Committee as recorded in the minutes of their meeting held on 05.10.2015 (Ann. R/3).
- 4.4 It is submitted that the Screening Committee had screened in the applications with certificate of ITI (NCVT) in Mechanic Radio & TV (MRTV) considering the nature of duties attached with post of Technician 'B' (Electronics) in different entities of Space Application Centre, ISRO and as per the practice followed in the Ahmedabad

Centre. In this regard, it is further submitted that Mechanic Radio & TV and Electronic Mechanics are grouped under the Electronics Trade Group, as per Schedule – I, Rule 3(1) and Rule 7(1) of Apprenticeship Rules, 1992.(Ann. R/4).

- 4.5 It is submitted that the Department of Space (DOS) / Indian Space Research Organisation (ISRO) is engaged in research and development activities and has been empowered with certain special powers with regard to recruitment of manpower for its requirements. The duly constituted recruitment/selection committee by following the prescribed guidelines issued by Department of Space ensures that right candidates are selected so as to enable execution of time bound projects / program in hand and to take care of future projects. In the present case, the recruitment process for the post of Technician ‘B’ (Electronics) was done by following the said objects and prescribed procedure by duly constituted Screening Committee and selection committee, taking into account the relevancy of the Trade for the post advertised. The respondent has been recruiting candidates with Mechanic Radio & TV as Technicians at the induction level in the Trade of Electronics for the past several years and it is being done by various other centres of ISRO. The Directorate General of Employment and Training (DGET) vide its letter dated 17.02.1984 had also clarified the equivalency of different disciplines under Electronic Trade Group wherein Mechanic Radio & TV and Electronics Mechanics are grouped under Electronics Trade. Therefore, the respondents had completed the recruitment process in a fair and transparent manner and the posts are filled up the candidates having requisite qualification.
- 4.6 It is submitted that the National Council for Vocational Training (NCVT) has awarded National Apprenticeship Certificate in Electronics Mechanic Trade to those candidates who have passed their National Trade Certificate in Mechanic Radio & TV Trade which unambiguously proves that both these trades are equivalent.

- 4.7 It is submitted that candidates who had applied for Post Code No. 01, ITI (NCVT), both Electronic Mechanic and Mechanic Radio & TV options were made available in the online registration form, as both the Trade are listed in the same group, i.e., Electronics. Therefore, the plea of the applicants that there was no option available other than Electronic Mechanic Trade is not correct. In this regard, the respondent's have placed reliance on the copy of one of online application showing the registration done by one MRTV candidate (Ann. R/6).
- 4.8 It is submitted that the recruitment of Technician 'B' in ISRO/DOS is de-centralised and is not done by ICRB of ISRO Headquarter as each Centre released advertisement with the required qualification as per the job specification in that particular centre. Various Centre's of ISRO published advertisements as per their requirements for recruitment of technician 'B' as it can be seen from such recent advertisements issued by various centres of ISRO (Ann. R/7 Colly.). In the present case, the advertisement only mentioned ITI (NCVT) in Electronics Trade without specifying any particular trade(s) under the Electronics Trade Group as the requisite qualification. Therefore, it clearly indicates that, the candidates who possess equivalent qualification can apply. Accordingly, the duly constituted screening / selection committee recommended the successful candidates including the candidates having equivalent qualification.
- 4.9 The Id. counsel for the official respondent placed reliance on the judgment passed by Hon'ble Supreme Court in case of J. Ranga Swami Vs. Govt. A. P. (1990) 1 SCC 288, wherein it was held that "*It is not for the court to consider the relevance of qualifications prescribed for various posts. It is not for us to assess the comparative merits of candidates of such a diploma held by the petitioner and decided or direct what should be qualifications to be prescribed for the post in question.*"
- 4.10 It is submitted that all the selected candidates for the post of Technician 'B' Electronics had joined the post and the validity of the

waiting list expired, after the mandated date; the applicants herein who were in the waiting list attempted to find fault with the selection process by misleading pleadings with a hope that the waiting list could be operated and they would get appointment. The said plea and claim is misconceived and contrary to the material on record. Therefore, they are not entitled for any relief as sought in this OA, she argued.

5. On behalf of private respondent no. 4 to 13 (except private respondent no. 6 since he left the job with SAC Ahmedabad) learned counsel Mr. M. S. Rao appeared and submitted that the respondent had filed their counter reply and denied the claim of applicant. Further the ld. counsel submitted as under:

- 5.1 The original applicants did not come with clean hands while approaching this Tribunal by way of the present OA. It was not true and correct that the private respondent no. 10 & 11 did not possess the requisite Trade Certificate in “Electronic Mechanics”. In fact, the said private respondents do have similar certificate issued by NCVT (Ann. R/1).
- 5.2 It is submitted that candidates possessing certificate in Electronics Mechanics Radio & TV were also entitled and eligible to take part in selection process initiated by respondent no. 3. In fact, when any candidates willing to offer his candidature for the post of Technician ‘B’ (Electronics) visited the official website of the official respondents herein to fill up the online application to the said post pursuant to the Advertisement No. SAC : 04/2013 dated 03.12.2013 (Ann. A/5), the candidate would be able to see two options when he clicks the column “Discipline” under the head “Educational Information” viz. Electronics Mechanics or Electronic Radio & TV (Ann. R/2 refer). As per the said format, the candidates possessing the Trade Certificate in Electronics Mechanic Radio & TV can apply for the post of Technician ‘B’ Electronics.
- 5.3 It is submitted that the Director General, Employment and Training in the Ministry of Labour & Employment, GOI issued clarifications dated 02.06.2008 (Ann. R/3) to the effect that in the Trade Group of

“Electronics” the Trade of “Radio & TV Mechanics” was also included. Way back in the year 1984, the said authority in its letter dated 17.02.1984 declared the designated Trades with Trade Syllabus which included “Mechanic (Radio & TV)” under the Head Group No. 23 “Electronics Trade Group” (Ann. R/4).

- 5.4 It is submitted that all the private respondents herein came to be issued a provisional offer of the appointment for the post of Technician ‘B’ Electronics (Ann. R/6) and on complying with all requisite pre-appointment formalities joined the service of SAC Ahmedabad. In this regard, ld. counsel for the private respondents placed reliance on the appointment orders issued by the respondent. (Ann. R/7 Colly.). The ld. counsel submits that private respondent no. 6 left the service of SAC Ahmedabad and joined the Ordnance Factory at Dehradun.
- 5.5 The original applicants herein without any demur or protest to any of the private respondents herein, on then being permitted to take part in the selection process, had participate in the selection process and it was only when they were not included in the select panel they came out with a grievance before this Tribunal. Such conduct of the applicants was not permissible in light of law laid down by Hon’ble Apex Court in case of Madras Institute of Development Studies Vs. K. Sivasubramanian reported in AIR 2015 SC 3643. Therefore, the applicants were not entitled for relief sought in this OA, he argued.
6. Applicant filed rejoinder whereby they denied the contention of respondents and reiterated their submissions. Additionally it was stated as under :
- 6.1 The clarifactory circular dated 02.06.2008 issued by the DG Employment and Training which is relied upon by the respondent is in fact issued with respect to proposal for introduction of one unit each of similar trades in different shifts in place of two units of same trade. The said circular is not regarding equivalency of trades and therefore it is of no help to the private respondents. The letter dated 17.02.1984 issued by DG Employment and Training does not hold that Trade of Electronics and Radio & TV Mechanic to be equivalent and hence

cannot, treated to be similar so that candidate having qualified in Radio & TV Mechanic could apply in the position where the requisite qualification was “Trade Electronics”.

- 6.2 The principle of waiver and acquiescence was not applicable in the present case as the Screening Committee illegally brought the change in the selection process.
- 6.3 The applicants reiterated that a selection committee did not have inherent power to declare the two trades as equivalent unless the Central Government or the respondent no. 3 had not declared the same as equivalent to each other or in the same group and specified the same in the advertisement so that all concerned candidates having qualification in Radio & TV Mechanic could apply in response to the said advertisement. They argued that such a decision was taken later at the stage of interview and document verification. Therefore, impugned action on the part of the respondent no. 3 was illegal and violated Article 14 & 16 of the Constitution of India.
- 6.4 By relying upon judgment passed by Hon’ble Apex Court in case of State of Bihar Vs. Mithlesh Kumar reported in (2010) 13 SCC 467. Learned counsel for the applicants submits that norms or rules as existing on the date when the process of selection begins will control such selection and any alteration to such norms would not affect the continuing process, unless specifically the same were given retrospective effect. Relying upon judgment on similar line as referred in Para 3.1.0 of their Rejoinder, the applicants further submit that the respondent no. 3 was not entitled to change the rules of the game in between and therefore the impugned decision of the respondent was bad in law. It is submitted that the syllabus of Electronic Mechanics and Mechanical Radio & TV is not common or same. Therefore, the respondent no. 3 illegally, arbitrarily selected private respondent no. 4 to 13 and offered appointment to them.
7. Heard the parties and perused material on record.
8. The controversy involved in the present case is of narrow compass. Whether the applicants herein, whose names were placed in waiting list in the result

published on 10.06.2016 (Ann. A/8), for the recruitment to the post of Technician 'B' Electronics, have any indefeasible right to claim their appointment to the post of Technician 'B' Electronics and whether the qualification possessed by the candidates who were selected and appointed (i.e., private respondent no. 4 to 13 herein) were the ones that were prescribed in the advertisement?

9. The main grievance raised by the applicants was that respondent no. 3 and its Screening Committee had changed the terms of advertisement, by considering the certificate of Mechanic Radio & TV as equivalent qualification of the Trade Certificate of Electronic Mechanical. Applicants also contended that the respondent illegally appointed the private respondent no. 4 to 13 as technician 'B' Electronics who possessed the certificate of Mechanic Radio & TV. Against it, the respondents denied the submission of applicants mainly on the ground that in the online registration form, candidates who had applied against the Post Code: 1, i.e., Technician 'B' Electronics, necessarily had to click the options available for entering their educational qualification. Both "Electronic Mechanics" and "Mechanical Radio & TV" options were made available in the online registration form, as both the trades were listed in the same group, i.e., "Electronics". Therefore, the Screening Committee had followed the correct procedure and terms of the advertisement and recommended the names of successful candidates. Since the applicants' names were placed in waiting list and the said list had expired, the applicants did not have any indefeasible right to claim the appointment.
10. It is noticed that by way of advertisement dated 03.12.2013, the respondent no. 3 had invited online applications from eligible candidates for filling up the vacancies for the post of Technician 'B' Electronics. The essential qualifications / job requirement prescribed as under :

"SSC/SSLC Pass + ITI (NCVT) in Electronic Trade.

Job requirement:

"the candidate will have to be required to work in the area of PCB fabrication and wiring / assembly of electronics packages / assembly of Microwave Integrated Circuits / in Testing of Electronic Hardware for Payloads / Maintenance support of lab equipments like EDM / Electron beam lithography system /

soldering stations / inspection systems / dicing / cutting /drilling of SAW / MIC / LTCC and other microelectronic modules / loading and unloading the payload hardware for T & E and test samples of various environmental tests, etc.”

11. As noted hereinabove, the candidates were given two options when they clicked the column “Discipline” under the head “Educational Information” viz. Electronics Mechanics or Electronic Radio & TV (Ann. R/2 refer). As per the said format, the candidates possessing the Trade Certificate in Electronics Mechanic Radio & TV can also apply for the post of Technician ‘B’ Electronics. Accordingly, the private respondents who possessed the qualification of ITI (NCVT) in Mechanic Radio & TV (MRTV) had also applied for the post of Technician ‘B’ Electronics.
12. It is further noticed that in the present case, undisputedly, the Screening Committee duly constituted by the respondent no. 3 had screened in the applications of the candidates who had applied with certificate of ITI (NCVT) in Electronic Mechanics as also ITI (NCVT) Mechanic Radio & TV (MRTV) considering the nature of duties attached with post of Technician ‘B’ (Electronics) as per the terms of advertisement.
13. It is noticed that Electronic Mechanics & Mechanic Radio & TV are grouped under one Trade Group, i.e., “Group No. 23 - Electronics Trade Group”, as per Schedule – I, Rule 3(1) and Rule 7(1) of Apprenticeship Rules, 1992.(Ann. R/4). Further, the Directorate General of Employment and Training (DGET) vide its letter dated 17.02.1984 (Ann. R/5) had also clarified the equivalency of various disciplines under restructure pattern of craftsman training scheme and rebate in training period under apprenticeship training scheme including the streams of Electrical / Electronic Trade Groups wherein Mechanic Radio & TV and Electronics Mechanics are grouped under Electronics Trade and considered as equal. It is also noticed that the Dy. Director General of Training / Member Secretary NCVT, M/O Labour and Employment DGE&T vide its letter dated 02.06.2008 (Ann. R/3) issued clarifications to the effect that in the Trade Group of “Electronics” the Trade of “Radio & TV Mechanics” is also included. National Council for Vocational Training (NCVT) has awarded National

Apprenticeship Certificate in Electronics Mechanic Trade to those candidates who have passed their National Trade Certificate in Mechanic Radio & TV Trade.

14. Thus, it can be seen that the expert body, i.e., Screening Committee had considered the qualification of certificate of Mechanics Electronics and Mechanic Radio & TV as equal for “Electronic Trade” for the purpose of screening in the candidates for the selection and appointment for the post of Technician ‘B’ Electronics.

Therefore, the submission of applicants in respect of change of eligibility criteria midway of the selection process is not in accordance with the facts in the present case. The qualification prescribed in the advertisement remains the same SCC / SLCC Pass + ITI (NCVT) in Electronics Trade. The certificate of Mechanic Electronics and Mechanic Radio & TV has been considered as equivalent for “ITI (NCVT) in Electronics Trade”. Not only the Selection Committee has found the candidates, i.e., private respondent no. 4 to 13 suitable but even the Screening Committee, constituted by the respondent no. 3 also found the qualification of the private respondent as the one satisfying the requirement of the advertisement. Therefore, once the Experts had taken a decision that the private respondents met the eligibility conditions of the advertisement, and there is no modification in what was mentioned in the advertisement and specified in the on line format, this Tribunal does not find any reason to interfere with the selection and appointment of the private respondent no. 4 to 13. Thus, the judgments relied upon by the counsel for the applicant on the aforesaid point will not be of any help.

15. It is settled principle of law that once the Experts have taken a decision that the candidate meets the eligibility conditions of the advertisement the Court/Tribunal could not have interfered with and set aside the appointment of the appellant. The suitability of the candidate in terms of eligibility conditions advertised is for the experts to consider and once experts have found that the candidates possess the required educational qualification, the Court while exercising power of judicial review, could not take a different view that the qualification possessed by the successful candidates, does not

meet the qualification prescribed in the advertisement. Even otherwise it is not for the court to consider the relevance of qualifications prescribed for various posts.

16. It is appropriate to refer the law laid down in this regard by the Hon'ble Apex Court in the case of UPSC v/s M.Sathiya Priya (2018) 15 SCC 796 held that "the selection committee consist of experts in the field, in our considered opinion, when a high level committee or an expert body consider the merit of each of the candidates, assess the grading and consider their cases for promotion, it is not open to CAT and the High Court to sit over the assessment made by the selection committee as an appellate authority. Further, it is also appropriate to refer the dictum laid down by Hon'ble Apex Court in the case of B.C. Mylarappa v. Dr. R. Venkatasubbaiah & Ors., (2008) 14 SCC 306, wherein it was held that in absence of any *mala-fide* either of the expert body or of the University authorities, the recommendation for eligible candidates cannot be said to be illegal. In the present case as discussed hereinabove, admittedly, there is nothing on record to show any mala fides attributed against the members of the expert body of the respondents. The respondent no.3 herein objected the plea of applicant and had taken a stand that the private respondents 4 to 13 had fully satisfied the requirement for appointment. In this view of the matter and in the absence of any mala fides either of the expert body of the respondents or of the respondents and in view of the discussions made hereinabove, the recommendation of expert body and selection committee with respect to private respondent no.4 to 13 cannot be said to be illegal and therefore it would be difficult to accept the submission of the applicants.
17. It is apt to mention that the names of applicants herein were placed in panel of waiting list and the said panel list expired long back; they do not have any indefeasible right to claim appointment. Thus, in view of the aforesaid discussion neither the applicants who were in the waiting list have any indefeasible right to claim for appointment nor can it be said that private respondents 4 to 13 do not possess the prescribed qualification mentioned in the advertisement. There cannot be any dispute on ratio laid down in the judgments relied upon by the applicants, as the same are not applicable in

the facts and circumstances of the present case. This answers the question/controversy as referred in para 8 above accordingly.

In view of above discussion, we are of the opinion that the OA lacks merit and deserves to be dismissed. Accordingly, same is dismissed. No order as to cost.

(A K Dubey)
Member(A)

(Jayesh V Bhairavia)
Member(J)

abp

