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(A) OA-250/95

Serial No. of Order	Date of Order	Order with Signature	Office note as to action (if any) taken on order
	4.4.2001	<p>Learned counsel for the petitioner Shri D.Mohanta is absent. There has been no request made on his behalf seeking adjournment. As this is a 1995 matter and we have already heard Shri S.B.Jena, learned Addl.Standing Counsel in part on 29.3.2001, on which day also Shri Mohanta was not present, it is not possible to adjourn this matter any further. We have, therefore, heard Shri S.B.Jena, learned Addl.Standing Counsel and perused the records.</p> <p>In this application the petitioner has prayed that result of the trade test declared <del>vide</del> Annexure-3 should be quashed and the entire process of test on practical papers should be declared illegal. The departmental respondents have filed counter opposing the prayer of the applicant. Private respondents were issued with notices, but they neither appeared nor filed any counter. Applicant has not filed any rejoinder.</p> <p>For the purpose of considering this petition it is not necessary to go into too many facts of this case. Admittedly the applicant is working as Refrigeration Mechanic, Skilled, under the respondents. He has stated that he was officiating in the post of Refrigeration Mechanic High Skilled II, which is denied by the respondents in their counter. It is stated that Refrigeration Mechanic High Skilled can be promoted to the next grade of Refrigeration Mechanic High Skilled-II only after passing the trade test in High Skilled Grade-II category. It is also the admitted position that the applicant</p>	<p>Counter has not filed for further orders.</p> <p><i>Patel</i> 16/1x</p> <p>Register</p> <p>over dt. 27.11.95</p> <p>Three weeks further time is prayed to file counter.</p> <p><i>Si.</i> <i>High.</i></p> <p>Counter not filed for further orders.</p> <p><i>Patel</i> 16/1x</p> <p>Register</p> <p>Order dt. 17.11.95</p> <p>Three weeks as a last chance allowed to file counter.</p> <p><i>Si.</i> Registrar</p> <p>Counter not filed. Last chance also over.</p> <p><i>Patel</i> 11/12</p> <p>Barrister</p>

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along with others appeared in the trade test conducted on 19.10.1993 and was not successful. Respondents have pointed out that on the basis of the trade test DPC meeting was held on 2.12.1993 and on subsequent days and 13 persons including private Res.4 were promoted to the post of Refrigeration Mechanic High Skd.II. The grounds on which the applicant has challenged the trade test and the averments made by the respondents are discussed below.

The applicant has stated and it is also admitted by the respondents that in that test 35% of marks was on theory paper 25% for viva voce and 40% for practical test. Applicant has stated that he appeared at the written test and also viva voce test. But while he was awaiting for the practical test, he came to know that the result of the practical test had already been declared and he came out unsuccessful. He has alleged that no such practical test was conducted and this was done only for the purpose of accommodating certain favoured candidates in the list of successful candidates at Annexure-3. Respondents have pointed out that the Chief Engineer (R&D), Secunderabad constituted the Board of officers to conduct the practical and viva voce test which was autonomous in character and had chosen to conduct both the tests simultaneously. Accordingly the practical test was conducted for all candidates uniformly along with viva voce test and there was no discrimination against the applicant. It is stated that all the officers in the Board were from outside the local office at

MA-864/95-  
for amendment  
copy secured.  
MA-806/95- for  
time to file  
amendment copy  
secured.

15/11

3 even

Amendment  
not carried out  
for further  
orders.

15/11

Register

Order dt 16.1.96

Amendment be  
carried out by  
two weeks.

Register

Order dt 30.1.96

One week time  
is granted to  
carry out the  
amendments. Name  
appears for the  
applicant.

Register

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		<p>Chandrasekharpur. It is further stated that for want of technical facilities, like central A.C. plants, air conditioners and refrigerators, the Board of Officers might have opted to ask questions relating to practical test along with the viva voce test. The assessment in the practical test was done on the candidates' possession of <del>xxxxxx</del> overall <del>combination</del> acquaintance with required tools for the job by observing <del>that</del> the way the candidates identify/handle the tools and answer certain questions as per syllabus given on practical aspect of their trade, the examiners could have easily assessed the candidates' merit and practical knowledge and accordingly this was done. It is for the Board of Examinors to decide the manner in which the practical test has to be conducted. It was also not practically possible to ask each of the candidates <del>theory of</del> <sup>to work</sup> central A.C. plants, air conditioners and refrigerators to test their knowledge. Under the circumstances, we find no illegality in the action of the Board of officers in conducting the practical test in the manner in which they have done. Moreover, as per settled <sup>principle</sup> <del>of law</del> that it is not open for the applicant to question the manner of examination after he came out unsuccessful in the said examination. Further we <del>find</del> find that the same test was challenged by another group of unsuccessful candidates in O.A. 786/94 and for the reasons recorded therein in order dated 2.8.2000, that O.A. was rejected. As the only ground urged by the applicant <sup>is</sup> the manner of conducting the test, <sup>and</sup> in support of which <sup>consideration</sup> prayer has been made in the O.A. for quashing</p>	<p>order dt. 9.2.96</p> <p>Amendment not carried out despite several adjournments. Place before Bench.</p> <p>S Registrar</p> <p>Despite of several adjournments amendment has not yet carried out by applicants Counsel.</p> <p>For further orders.</p> <p><u>Pattu</u> 16/2 Bench</p> <p>An amendment not yet carried out.</p> <p>Counter copy not served.</p> <p><u>Pattu</u> 15/4 Bench</p>

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		<p>selection and as we hold that there has been no irregularity in conducting the said selection, this O.A. is held to be without any merit and the same is rejected, but without any order as to costs.</p> <p>MEMBER (JUDICIAL)</p>	<p>A amendment not yet carried out.</p> <p><del>Counters</del> <del>Feb</del> 22/4 B each</p> <p><del>Counters</del> VICE-CHAIRMAN 4.4.200 A amendment not carried out - <del>Feb</del> 25/4 B each</p> <p>A amendment not carried out. <del>Feb</del> 13/5 B each</p> <p>Counters by R-4 to R-9 has not filed. For brother orders. <del>Feb</del> 20/6. <u>Repr</u> Berch</p>