

Serial No. of Order	Date of Order	Order with Signature	
		<p><u>3. ORDER DATED 28.2.2001.</u></p> <p>In this Original Application, the applicant has prayed for quashing the order dated 13.2.1996 at Annexure-3 requiring him to produce the original diploma certificate in Mechanical Engineering and the order dated 9.3.1996 at Annexure-5 calling upon him once again to submit the Diploma certificate in Mechanical Engineering or any other equivalent certificate. Second prayer is for a direction to the General Manager, Ordinance Factory, Badmal to appoint the applicant as Chargeman Gr.IIT (Mech.) w.e.f. 13.2.1995 and to pay him salary from that date.</p> <p>2. Respondents have filed counter opposing the prayers of applicant.</p> <p>3. Applicant had made the District Employment Exchange Officer as Respondent No.3 and counter has also been filed by Respondent No.3.</p> <p>4. No rejoinder has been filed by the applicant.</p> <p>5. For the purpose of considering this Original Application it is not necessary to go into too many facts of this case. The case of the applicant is that the District Employment Exchange Officer in his letter dated 20.10.1994 directed the applicant to come</p>	<p>Defects removed For Registration Alumina 21.6.95 S.D.</p> <p>21.06.95- Registration</p> <p>For Admissions Dumuk 21/06/95-</p> <p>As per order dt. 22.6.95, notice may be issued to all the respondents by Registered post with A.D.</p> <p>Alumina S. 27.6.95</p> <p>Mapau 27/6</p> <p>Counter to OA. already filed. MA. NO. 586/95 filed on behalf of Petitioner Praying for amendment For orders pl.</p> <p>23/8/95</p>

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

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this office to get his name sponsored for appointment to the post of Chargeman Gr.II/T (Mech.) in Ordinance Factory, Badmal, in the District of Bolangir in case he has two years experience in the relevant field. Accordingly his name was sponsored. The petitioner attended the interview on 19.1.1995 and had produced his certificates which were also verified. He came out successful in the interview for the post and was offered the appointment in letter dated 6.2.1995 at Annexure-2. Later on in the impugned order at Annexure-3, and Annexure-5 he was asked to produce the original Diploma Certificate in Mech. Engineering. Applicant has stated that ^{as} his certificate has already been verified he should not be asked to produce the certificate. Moreover, he has already passed in Section A of A.M.I.E. course. He has also cleared four papers of Section B and appeared at the examination in other three papers result of which is to be published shortly and this should be taken as equivalent to Diploma in Mech. Engineering. In the context of the above, the applicant has come up with the prayer referred to earlier.

J. Sam.

5. Respondents have pointed out that as per the requisition given to the Employment exchange, for the post of Chargeman Gr.II/T (Mech.) the minimum essential qualification was mentioned as recognised 3 years Diploma or equivalent in Mechanical Engineering with two years experience in relevant technical field.

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

They have admitted that the applicant was called to appear at the interview and written test held on 19.1.1995. At the time of scrutinising the documents of the applicant it was found that he has not passed three years Diploma in Mech. Engineering^{S.J.M.} Grade and he has passed only section A of AMIE and four papers in section 4. Petitioner was allowed to appear at the written test/ interview with the understanding that in case he is selected he has to produce the requisite certificate of passing Diploma in Mech. Engineering or any other authority showing that his present qualification is equivalent to Diploma in Mech. Engineering. After he was selected at the time of his joining he was asked to produce the above documents but he fails to produce the same and that is why he was not allowed to join. Respondent No.2 took up the matter with the District Employment Exchange, Bolangir who enquired the matter and informed in letter dated 28.3.95 that they have no such authority in which the qualification AMIE section A is ^{taken as} equivalent to ^{^ S.J.M.} Diploma certificate in Mech. Engineering. Res.No.2 also approached the Institution of Engineers (India) who clarified that their institution do not award any Diploma after passing section A examination. They further intimated that AMIE is an integrated course comprising section A and B examination and on successful completion of both the sections the Institution awards Diploma Certificate which is equivalent to Degree in appropriate field of Engineering. This letter of Institution of Engineers is at Annexure-E.

S.J.M.

Alongwith this letter the Institution of Engineers (India) enclosed the letter dated 16th August, 1978 of the Ministry of Education and Social Welfare indicating that a pass in sections A and B of the AMIE examination of the Institution of Engineers (India) is recognised by the Government of India at par with a Bachelor's Degree in the appropriate field of Engineering from a recognised Indian University. On the above grounds^{of fact} the Respondents have opposed the prayer of applicant.

6. Thus, the sole question for consideration in this case is whether the applicant had the minimum educational qualification for the post he had applied for. The fact that he took the written test and vivavoce and came out successful is of no consideration if he does not have the minimum educational qualification. Respondents have stated that the applicants have mentioned that he had the minimum educational qualification and he was allowed to take the written and vivavoce on the understanding that if selected he will produce the certificate of Diploma in Mech. Engineering. It is the case of the applicant that he had passed Sec. A and four papers in Section B of AMIE examination and he stated that this is a higher qualification than the Diploma in Mech. Engineering, as by completing the Sec. B he will get a certificate which is equivalent to Degree in Mech. Engineering. As the Institution of Engineers have pointed out that Section A and B examination of AMIE is a part of the integrated course and no diploma certificate is given after a person passes only section A or alongwith it a portion of section B it must be held that passing of section A and four papers in section B of AMIE examination, the applicant

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OA 319/95-

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NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

has not acquired the qualification of Diploma in Mech.Engineering.

7. In this view of the matter we hold that the applicant did not have the minimum educational qualification for applying the post and therefore, the Original Application is held to be without any merit and the same is rejected.No costs.

(G.NARASIMHAM)
MEMBER(JUDICIAL)

KNM/CM.

SOMNATH SOM
VICE-CHAIRMAN
28/2/01

Free copy of
the order
dt. 28.2.01 given
to the both
counsel.

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