

Order dated: 22.07.2008

CORAM:

Hon'ble Mr. Justice K.Thankappan, Member(J)  
Hon'ble Mr. C.R.Mohapatra, Member (A)

Challenging Annexure-A/5 order dated 06.06.2008, the applicant has filed this O.A. It is further prayed in the O.A. that Respondent Nos. 1 and 2 may be directed to give appointment to the applicant on the basis of competitive examination and the interview the applicant appeared.

The short facts, which lead to the filing of this application by the applicant, are as below:

As per Annexure-A/1 advertisement published by the Railway Board, the applications for various posts have been invited and in pursuance to that advertisement, the applicant sent an application and, thereafter, the applicant was called for the written examination and subsequently for interview also. However, on further scrutiny of the records sent by the applicant, the authorities found that the applicant not having the basic qualification, as advertised in Annexure-A/1, the candidature of the applicant has been cancelled by the impugned order.

We have heard the Ld. Counsel appearing for the applicant and Mr. S.K.Ojha, Ld. counsel appearing for the Respondents on notice.

The first contention of the Ld. Counsel for the applicant is that since the application of the applicant has

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been entertained and he has undergone the written test and the interview and on the basis of above written test and interview, the applicant was also found successful, the applicant has to be appointed to the post to which he has applied. Further, the Ld. Counsel submits that since the applicant is qualified, having all technical qualification, he ought to have been appointed in the post to which he had already applied.

The question to be considered in this O.A. is regarding the basic qualification as per the advertisement at Annexure-A/1 published by the Railway Board and whether the applicant is qualified to apply for that post or not. As per Annexure-A/1, item 14, it is stated that the post of Technician-III(Painter) with the scale of Rs. 3050-4590/-, the qualification fixed is Matriculation and Course Completed Act Apprentice/ITI in Painter(General) trade recognized by NCVT/SCVT, Diploma/Degree in Engineering is not accepted in lieu of ITI. It is a fact that as per Annexure-A/1, Employment Notice No. EN/1/2007, dated 3.2.2007, the basic qualification for the post is Matriculation as above. If so, the applicant ought to have passed the basic qualification or otherwise ought to have produced the documents that the applicant has got the basic educational qualification namely Matriculation. Instead of that, the applicant had produced some certificates of his technical qualification such as ITI(Painter) Gr.II etc. but that alone is not enough for getting appointment in the post as advertised in Annexure-A/1 notification issued by the Railway Board. The applicant might have got some

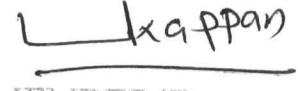
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technical qualification such as Painting, which can be done by a labour-man or getting some experience from private or Government offices or from any such institution; that by itself may not be a basic qualification to be posted as a Technician as per Annexure-A/1 notification.

In the above circumstances, we are of the view that unless the applicant has basically qualified, the result of the competitive examination or interview will not give any benefit to the applicant to be appointed to the post for which it was published by the Railway Board.

In the above circumstances, we see this O.A. is without any merit and hence it is dismissed without any order as to costs.

  
MEMBER (A)

  
MEMBER (J)