

Reserved
CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/00453/2016

Jabalpur, this Tuesday, the 21th day of August, 2018

HON'BLE SHRI NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Abhay Singh Patel
Aged about 24 years
S/o Shri Heman Das Patel
R/o Ward No.5
Pipariya Post Pipariya
Distt. Anuppur (M.P.) 484224

-Applicant

(By Advocate –**Shri S.K. Gupta**)

V e r s u s

1. Union of India,
Through its Secretary,
Ministry of Defence Production
Raksha Bhawan
New Delhi 110001

2. Senior General Manager/A & HRD
Gun Carriage Factory
Jabalpur 482011

3. Additional General Manager (Admn.)
Gun Carriage Factory,
Jabalpur 482011

- Respondents

(By Advocate –**Shri D.S. Baghel**)

(Date of reserving the date: 28.06.2018)

ORDER

By Ramesh Singh Thakur, JM:-

The applicant is aggrieved by the action of the respondents for rejecting his application for the post of Heat Treatment Operator (Semi Skilled) on the ground that he posses the B.E. Degree in Metal Engineering, and therefore, not allowed him for Trade Test.

2. The applicant in this Original Application has prayed for the following reliefs:-

“8(i) Called the entire records pertaining to case of applicant for appointment on the post of ‘Heat Treatment Operator’ from the respondents for its kind perusal of this Hon’ble Tribunal.

8(ii) To quash information issued by the respondents on dated 13.04.2016 on the call letter issued in the name of the applicant (Annexure A-6).

8(iii) Alternatively this Hon’ble Tribunal may kindly be direct to the respondents to allow the applicant to appear in the Trade test/examination for the post of Heat Treatment Operator’.

8(iv) Cost of the present application be please awarded in favour of applicant.

8(v) Any other order/orders, relief/relies which this Hon’ble Tribunal deem fit and proper kindly be given in circumstances of the case.”

3. Precisely the case of the applicant is that the respondents issued advertisement (Annexure A-1) and invited on-line applications for the various post lying vacant in Gun Carriage

Factory, Jabalpur. The essential qualification for the various post was “*Matriculation plus National Council of Trades for Vocational Training (NCTVT) certificate (i.e. National Apprentice Certificate (NAC) or National Trade Certificate (NTC) in the relevant trade.”* under a note that “*The Degree and Diploma in Engineering without possessing NAC/NTC will not be accepted as qualification for Direct Recruitment.*” The applicant applied for the post of Heat Treatment operator having attached all the requisite information/certificate with the qualification certificate. The applicant possessed Higher Secondary School certificate with the Degree in B.E. certificate of apprentices in Foundry and Heat Treatment with Vocational Training in Blast Furnace. Respondents after scrutinizing all the applications and after verification issued call letter for appearing in written test. Applicant appeared in the written test and after this the respondents issued selection list wherein the name of the applicant placed in Serial No.02. Thereafter the respondent issued a letter for personal examination and applicant appeared in the personal examination on 13.04.2016 but he was not allowed and rejected his application with the remarks that “the candidate posses the B.E. Degree in Metals Engg. Hence not allowed for Trade Test.” (Annexure A-6). Hence this Original Application.

4. The respondents, in their reply, have submitted that the applicant has shown himself as National Trade Certificate holder in Heat Treatment Operator Trade from BHEL Bhopal, whereas during the physical scrutiny of documents on 13.04.2016, it is found that the candidate does not possess the requisite qualification i.e. NTC issued by NCTVT as opted by the applicant while filling up on-line application. Rather the applicant has completed one year Graduate Apprentice under Apprentice (Amendment Act)-1986 from BHEL Bhopal. The provisional Graduate Apprentice Certificate produced by the applicant is issued by the Human Resource Development Centre of BHEL, Bhopal. It is pertinent to mention that the NAC/NTC certificates are awarded to a candidate by NCTVT only after passing the prescribed Trade Test conducted by the National Council for Vocational Training (NCTVT). The certificate produced by the applicant does not mention passing of any kind of Trade Test conducted by NCVT. The respondents further submitted that it was clearly stated in the advertisement issued by the respondents that online applications are invited from eligible candidates and the essential qualification prescribed as "*Matriculation plus National Council of Trades for Vocational Training (NCTVT) certificate (i.e. National Apprentice Certificate (NAC) or National Trade Certificate (NTC) in the relevant trade.*"

under a note that “*The Degree and Diploma in Engineering without possessing NAC/NTC will not be accepted as qualification for Direct Recruitment.*” It is also clearly stated in the advertisement that “*the candidates in their own interest should go through the advertisement and satisfy themselves that they meet all eligibility requirements in terms of age, educational qualification etc.. Any wrong or incomplete information shall render the candidate ineligible without any further notice. The candidature of the candidate will be provisional at all the stages of recruitment process.*”

4.1 It is further submitted by the respondents that the Educational/Technical/Non-Technical Qualification part of the online application system requires the candidate to choose their NAC or NTC. If a candidate does not possess either of the above qualifications he will not be able to proceed for further filling of the form. The applicant has ignored the fact that he does not possess the essential qualification i.e. National Apprenticeship Certificate/National Trade Certificate issued by National Council for Vocational Training and has arbitrarily entered an option which enabled him to submit the form. The applicant has failed to produce NAC/NTC certificate issued by NCVT during physical scrutiny of documents, hence the cancellation of his candidature for

trade test is an outcome of his own mis-appreciation of educational qualification possessed by him. It is further submitted that it has been clearly mentioned in the advertisement that the Degree and Diploma in Engineering without possessing NAC/NTC will not be accepted as qualification for Direct Recruitment and only possessing a higher qualification than the required qualification does not make the applicant eligible for the said post.

4.2 Respondents further submitted that in the declaration part in the online application form requires the candidate to undertake that “all the statements made in this application form are true, complete and correct to the best of my knowledge and belief. In the event of any information being found false/incorrect or ineligibility being detected before or after the written test/skilled test my candidature will automatically stand cancelled.” There is no stipulation validation has been made in the Online application Software Module itself to restrict any ineligible candidate from filling up of the online application. The online application software will not allow any candidate, without having requisite essential qualification to proceed further unless he opts the requisite criteria. Therefore the respondents have the discretion to decide the stage in which physical online application software module arbitrarily

entering the option of NTC, although not possessing the same, which enabled him to submit the form.

4.3 It is further stated in the reply of the respondents that the call letter for written test itself stipulates that the candidature for the written test is provisional and is subject to verification of original documents to assess eligibility for the post at any stage of recruitment process. Merely calling for written test cannot be deemed that the candidate is eligible for further employment and his candidature cannot be cancelled before trade test despite non fulfillment of the essential qualification.

4.4 It is submitted by the respondents that in the “declaration of result” it has been clearly stipulated that original documents will be verified at the time of trade test and the candidates who will fulfill all the eligibility criteria will only be allowed to take up the trade test. The applicant’s name appeared at Serial No.2 of the Select List for Heat Treatment Operation. This select list is an integral part of ‘Declaration of Result’ and has been published on-line as such. Hence, it is explicit that the applicant is cognizant of the stipulations made in the said document and it cannot be presumed by the applicant that he has been called for trade test after verification of documents and he cannot be declared ineligible before trade test.

5. The applicant has filed rejoinder to the reply of the respondents. It is stated that the applicant possess one year graduate Apprentice from BHEL and further possess 'Certificate of Proficiency' undergone Apprenticeship Training under the Apprentice Act, 1961 from BHEL Bhopal from 31.01.2014 to 30.01.2015 in the subject metallurgy and in this regard the Board of Apprenticeship Training (Western Region) issued certificate in his favour.

6. Heard the learned counsel for both the parties and carefully perused the pleadings and documents annexed therewith. We have also gone through the rejoinder and additional reply to the rejoinder submitted by both the counsel respectively.

7. In this case, the facts regarding the advertisement Annexure A-1 is not disputed by both the parties. It is also not disputed by both the parties that the applicant applied for the post of Heat Treatment Operator (Semi Skilled) and after scrutinizing all the applications and after verification the letter was issued to the applicant for appearing in the written test. It is also not disputed by the respondents that the applicant appeared in the written test and the select list was issued and the applicant was placed at serial No.2. It is also not disputed by the parties that the applicant was called for personal examination on 13.04.2016. The contention of

the applicant is that on that date the applicant was not allowed to appear in the personal examination due to the reason that the applicant posses the B.E. Degree in Metals Engineering (Annexure A-6).

8. On the other side, the respondents have submitted that during the physical scrutiny of documents on 13.04.2016, the applicant does not possess the requisite qualification i.e. NTC issued by NCTVT as opted by the applicant while filling up on-line application. It has been specifically submitted by the replying respondents that the applicant has completed one year Graduate Apprentice under Apprentice (Amendment Act)-1986 from BHEL Bhopal and the provisional Graduate Apprentice Certificate produced by the applicant was issued by the Human Resource Development Centre of BHEL, Bhopal. It has been further submitted by the respondents that the NAC/NTC certificates are awarded to a candidate by NCTVT only after passing the prescribed Trade Test conducted by the National Council for Vocation Training (NCTVT). So, as per the reply of the respondents the certificate produced by the applicant does not mention passing of any kind of Trade Test conducted by NCVT. It has been submitted by the replying respondents that though the applicant has mentioned in the on-line application, regarding the

possessing of the said certificate, but the applicant has not produced the relevant certificate as mentioned in the advertisement. So, the replying respondents has submitted that though his application was accepted but was subject to the physical verification of all the documents and the applicant was failed to produce the relevant certificate, so the candidature of the applicant was rejected. The applicant has filed rejoinder stating that the applicant possess one year graduate Apprentice from BHEL and further possess ‘Certificate of Proficiency’ undergone Apprenticeship Training under the Apprentice Act, 1961 from BHEL Bhopal in the subject metallurgy. As per the advertisement Annexure A-1 the essential qualification prescribed as under:-

“Matriculation plus National Council of Trades for Vocational Training (NCTVT) certificate (i.e. National Apprentice Certificate (NAC) or National Trade Certificate (NTC) in the relevant trade.”

NOTE: The Degree and Diploma in Engineering without possessing NAC/NTC will not be accepted as qualification for Direct Recruitment.”

9. In the pleadings itself, it is clear that though the applicant has mentioned in the on-line application form regarding possessing of the relevant certificates but from the reply of the respondents it is clear that the applicant has failed to produce the relevant certificates. As per Annexure A-1 it has been clearing mentioned

that essential qualification is matriculation plus National Council of Trades for Vocational Training (NCTVT) certificate (i.e. National Apprentice Certificate (NAC) or National Trade Certificate (NTC) in the relevant trade. It is also relevant to mention that while prescribing the essential qualifications, there is the special mention as note that "*The Degree and Diploma in Engineering without possessing NAC/NTC will not be accepted as qualification for Direct Recruitment*". Admittedly the applicant has applied as direct recruitment and the applicant has failed to produce the relevant certificate. The replying respondents have also placed on record the sample of such certificate at Annexure R/2 of the reply. So we are of the opinion that as per Annexure A-1 the advertisement, it has been specifically mentioned regarding the essential qualification and the applicant has failed to produce such certificate and we do not find any illegality regarding rejection of the candidature of the applicant.

10. In view of the above, this Original Application is dismissed being devoid of any merits. No order as to costs.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member