

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.**

ORIGINAL APPLICATION No.796 of 2014

Date Of Decision: 18th September, 2018.

**CORAM: HON'BLE SHRI. R. VIJAYKUMAR, MEMBER (A).
HON'BLE SHRI. R.N.SINGH, MEMBER (J).**

1. Shri Kiran Prakash Sonar,
Age: 24 Yrs, Occ: Unemployed,
R/o Qtr.No. 63/E
Type-2, Ordnance Factory Varangaon Estate,
Taluka: Bhusawal, Distt. Jalgaon- 425 308.
2. Shri Manoj Prabhakar Kolhe,
Age: 25 Yrs, Occ: Unemployed,
R/o Gandhi Chowk, Jawale Wada,
Varangaon, Taluka: Bhusawal,
Distt. Jalgaon- 425 305.
3. Shri Govinda Damodhar Kolhe,
Age: 24 Yrs, Occ: Unemployed,
R/o Ruikheda, Taluka: Muktainagar,
Distt. Jalgaon- 425 306.
4. Shri Rohitkumar Arun Tayade,
Age: 24 Yrs, Occ: Unemployed,
R/o K.D.M. Mahila Mahavidalaya,
Hiwri Layout, Vardaman Nagar,
Nagpur- 440 008.
5. Shri Nilesh Bhagwan Khonde,
Age: 24 Yrs, Occ: Temporary private
service, R/o Daryapur, Ganeshnagar,
Shivar, Near Ord. Fy. Varangaon,
Taluka: Bhusawal, Distt. Jalgaon- 425 308.
6. Shri Rupesh Ichharam Sonawane,
Age: 25 Yrs, R/o Qtr.No. 188/F, Type-2,
Ordnance Factory Varangaon Estate,
Taluka: Bhusawal, Distt. Jalgaon- 425 308.
7. Shri Dipak Bhasakar Patil,
Age: 22 Yrs, Occ: Unemployed,
R/o Post: Kathora, Khurda,
Taluka: Bhusawal, Distt. Jalgaon- 425 305.

...Applicants.

(Applicant by Advocate Shri M G Burde)

Versus

1. The Union of India,
Represented through: The Secretary,
Department of Defence Production,
Ministry of Defence, South Block,
New Delhi- 110 001.
2. The Director General of Ordnance
Factories/Chairman,
Ordnance Factories Board, 10-A,
S.K. Bose Road, Kolkata- 700 001.(W.B).
3. The General Manager,
Ordnance Factory Varangaon,
Taluka: Bhusawal, Distt. Jalgaon- 425 308.
4. The Directorate General of Employment
Training, Ministry of Labour & Employment,
Government of India, Shram Shakti Bhawan,
Rafi Marg, New Delhi- 110 001.
5. Yogesh Namdeo Sapkale,
Roll No. 4013592(selected in DBW at Sl.No.
167, Original I.T.I. Trade: Fitter- No
Apprenticeship Training).
6. Ravindra Tukaram Kumbhar,
Roll No. 4013630(selected in DBW at Sl.No.
88, Original I.T.I. Trade: Machinist- No
Apprenticeship Training).
7. Ganesh Ramesh Thakur,
Roll No. 4014392(selected in DBW at Sl.No.
204, Original I.T.I. Trade: Machinist- No
Apprenticeship Training).
8. Mohan Madhukar Raut,
Roll No. 4016351(selected in DBW at Sl.No.
157, Original I.T.I. Trade: Fitter- No
Apprenticeship Training).
9. Vaibhav Ramesh Bharambe,
Roll No. 4013215(selected in DBW at Sl.No.
23)- No Apprenticeship Training).

...Respondents.

**(By Advocates Shri V B Joshi Shri P.Khosla for
Official Respondents and Shri S.V. Marne for
Private Respondents.)**

Reserved On : 21.08.2018.

Pronounced on: 18.09.2018

ORDER

PER:- R. VIJAYKUMAR, MEMBER (A).

This application was filed on 29.12.2014 under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"1) That, the impugned Select-List for 371 vacancies (Annex. A-1), comprising of approx. 25% candidates having only N.T.C. (I.T.I.) certificate, be declared as illegal to the extent of including the names of candidates having N.T.C. (I.T.I.) Certificates only, even of 6 (six) months' duration in some cases, as it violated the Recruitment Rules contained in S.R.O. 185 and/or the Instructions and Clarificatory order issued by Respondent 2 and/or the Policy Decision of Government of India and also Articles 14, 16 & 309 of the Constitution of India.

2) That, the Respondent No. 1 & 2, being a controlling authority of Respondent 3, be directed to follow just, fair and uniform procedure/method of direct recruitment in the Ordnance Factories all over India, without any variations and/or discrimination; in accordance with the provisions of S.R.O. 185, the Instructions and orders issued by the Respondent No.2 itself, the Policy decision of Govt. of India and ratio decidendi as laid down by the Hon'ble Supreme Court.

3) That, the Respondents also be

directed to consider and include the names of Applicants in the Select-List, as they possessed the N.C.T.V.T. (N.A.C.) certificates as provided in the S.R.O. 185 dt. 1st November 1994.

4) That, the Respondent 3 further be directed to disclose the possession of essential education qualification of each candidate i.e. holding of N.C.T.V.T. (N.A.C.) certificate and N.T.C. (I.T.I.) certificate only for determining lawful compliance with the law of recruitment to the post of Semi-skilled for Annexure 'A' Trades of the S.R.O. ratio decidendi as laid down by Hon'ble Supreme Court and the policy decision of Government of India.

5) That, the Respondent No.3 further be directed to disclose the marks of Written Examination obtained by each of the candidates, with their categories, including the Applicants, in descending order of their merit in combined Select-List of UR, SC, ST & OBC and also separate Select-List for each category trade-wise, as per the laws.

6) That, the Respondent No. 2 further be directed to investigate the incident(s) of malpractices and/or irregularities committed during the course of written examination with intent to assist the candidates having N.T.C. (I.T.I.) certificates only; through an independent Board of Inquiry comprising of Officers whose integrity are beyond doubt.

7) That, the Respondent 4 further be directed to confirm the applicability of Government of India's Policy Decision; issued vide its letter No. DGET 50 (2)/96-

AP dated 20th February 1996 and 16th March 1996 on the matter of giving preference to trained apprentices in employment over direct recruits, is still in force as on date of the instant direct recruitment.

8) That, this Hon'ble Tribunal further be pleased to grant the cost of proceeding before this Hon'ble Tribunal and incidentals thereto and such other benefits as deems fit and proper in the facts and circumstances of the case."

2. The applicants are holders of National Apprenticeship Certificates issued by the National Council for Vocational Training (NCVT) and have impugned the selection, made by the respondents, of Tradesman/DBW in consequence of Advertisement published in the Employment News on 01-07 December, 2012 for which written examinations were held on 23.11.2014. The applicants have objected to the inclusion of respondent Nos. 5-9, impleaded now in their representative capacity, despite their possessing only a National Trade Certificate (I.T.I.) from the NCVT. They refer to SRO No. 185 dt. 01.11.1994 which, under the column for educational and other

qualifications required for direct recruits, specifies, National Council of Trades for Vocational Training Certificate in the relevant trade failing which by ITI or equivalent Diploma/Certificate holder. The respondents published their advertisement for 371 posts in various trades including the trade of Danger Building Worker/Semi Skilled or DBW(SS) and applicants had applied for which respondents invited all persons who had applied to appear in the written examination on 23.11.2014 including persons with NAC and NTC.

3. The applicants contend that the SRO provisions compel respondents to only admit applications with NAC Certificate issued by NCVT since the NTC(ITI) Certificate can range from six months to two years and in their opinion, in the case of a six months' course, it is a sandwich course which is not eligible even for getting admission into NAC. They contend that the selection was wrongly made by including such NTC candidates. Further, they state that the examination had been

outsourced and the seating arrangements were very cramped which resulted in much copying by candidates. They insist that apprentices with NAC should be preferred for appointment over NTC holders and cite, in this connection, the rulings of the Hon'ble Apex Court **in U.P. State Road Transport Corporation & Anr. Vs. U.P. Parivahan Nigam Shishukhs Berozgar Sangh & Ors. in C.A. Nos. 4347-54 of 1990 & Ors. dt. 12.01.1995** which held that:

"12. In the background of what has been noted above, we state that the following would be kept in mind while dealing with the claim of trainees to get employment after successful completion of their training:

(1) Other things being equal, a trained apprentice should be given preference over direct recruits.

(2) For this, a trainee would not be required to get his name sponsored by any employment exchange. The decision of this Court in **Union of India Vs. N. Hargopal [(1987) 3 SCC 308]** would permit this.

(3) If age bar would come in the way of the trainee, the same would be relaxed in accordance with what is stated in this regard, if any, in the service rule concerned. If the service

rule be silent on this aspect, relaxation to the extent of the period for which the apprentice had undergone training would be given.

(4) The Training institute concerned would maintain a list of the persons trained yearwise. The Persons trained earlier would be treated as senior to the persons trained later. In between the trained apprentices, preference shall be given to those who are senior."

4. The applicants also relied on the decision of the Hon'ble Apex Court in **M. Sabarinathan Vs. The General Manager, Ordnance Factory Trichy & Ors. in Writ Appeal (MD) No. 316 of 2007 decided on 14.12.2007** which noted that the Full Bench of the Hon'ble Apex Court in **Excise Superintendent, Malkapatnam Vs. K.B.N. Visweswara Rao [1996(6) Supreme Court Cases 2016]** had overruled the decision in the Hargopal's case cited in the previous ruling of the Hon'ble Apex Court. They held in conclusion "that the requisitioning department should call for the list of eligible candidates from employment exchange and the apprentice department or undertaking

or establishment shall invite candidates by publication in newspapers and other media, and then consider the cases of all the candidates, who have applied, and, in the selection process, other things being equal, trained apprentices shall be given preference". This decision became final with the dismissal of the SLP filed by respondents. The applicants have also cited, in support, a letter issued by respondent No.2 in reference No. 800/SRO/A/I/245 dt. 21.10.2011 (Annexure R-1) which states as below:-

"Consequent upon the issue of revised guidelines for recruitment of Ex-trade Apprentices in Ofs, vide OFB letter at reference, several factories have sought clarification regarding the educational qualifications for direct recruitment for the Annexure-A trades in SRO 185 of 1994.

2. SRO 185 of 1994 stipulates that the educational qualification for direct recruits for the trades at Annexure 'A', is National Council of Trades for Vocational Training certificates in the relevant trade failing which by ITI or equivalent Diploma/Certificate holder.

03. In view of the above said SRO provisions, the National

Apprentice Certificate and National Trade Certificate issued by NCVT in the relevant trade can be accepted as the qualification required for direct recruitment to semi-skilled posts at Annexure 'A' to the said SRO. Further Degree and Diploma in Engineering cannot be accepted as qualification for Direct Recruitment to the semi-skilled posts. It is also clarified, that only when applicants with NCVT certificates as mentioned above are not available, then only applicants with ITI or equivalent Diploma/Certificate holders will be considered."

5. Therefore, they conclude with reference to the two judgments cited and the above letter that Trade Apprentices (NAC) should be given preference over NTC (ITI) and ITI Certificate holders for which they also refer to the decision of Hon'ble Apex Court in **Government of Andhra Pradesh Vs. P. Dilip Kumar & Anr. in C.A. No. 1710 of 1990 clubbed with other bunch of Civil Appeals, decided on 03.02.1993.** In this case, the Hon'ble Supreme Court had observed as below:-

"...other things being equal and the performance of a candidate possessing higher qualification and the candidate possessing minimum qualification is equal, a candidate possessing higher qualification may claim preference but not in case where the performance of a candidate possessing minimum

qualification is better than the candidate who possessed the higher qualification..." **(Para 5, 16 & 18)**

The Hon'ble Supreme Court further decided in the above stated judgment that:

"...We, therefore, do not agree that treating post-graduates as a class and giving them preference in this manner is violative of Articles 14/16 of the Constitution. We also do not see any vice in the relevant rule and in Note 1 as amended in 1983."

6. Therefore, according to the applicants, the NAC Course is a higher qualification than the NTC Course and should be preferred by respondents to be in conformity with the statute as in SRO and with Court rulings.

7. The respondents state in reply that the Danger Building Worker is a semi-skilled post for which there is no apprenticeship training. They explained the provisions in the SRO by stating that even a Degree or Diploma in Engineering cannot be accepted as qualification for direct recruitment to these semi-skilled posts. The applicants must necessarily have the Certificates issued by the National Council of Trades for Vocational Training (NCTVT) and only in the absence of

such candidates will the post be filled in with ITI or equivalent Diploma/Certificate holder. They also cite the instructions of respondent No.2 in No. 800/SRO/A/I/245/Vol.II dt. 06.11.2012 which identifies 13 trades as feeder trades for recruitment of DBW(SS) which includes the Attendant Operator Chemical Plant(AOCP) for which alone the Ordnance Factory, Varangaon imparts apprenticeship training. They also refer to the further instruction issued by respondent No.2 in No. 800/SRO/A/I/245 dt. 17.10.2013 which states as below:-

"In continuation of OFB circular No. 800/SRO/A/I/245 dt. 21.10.2011, it is hereby intimated that in the advertisement for Direct Recruitment to Semi Skilled posts of Annexure-A Trades, the requisite educational qualification should be mentioned as "Matriculation + NAC/NTC issued by NCVT" without mentioning the failing which clause in the existing SRO.

2. It is once again clarified that NAC and NTC are to be treated at par for all recruitment purposes, and that Diploma in Engineering without possessing NAC/NTC cannot be accepted as qualification for direct recruitment.

3. In partial modification to Para 6(A) of OFB circular No. 570/A/1(PT)?54/Vol.IV/294 dt. 06.01.2011, it is intimated that wherever applications for direct recruitment are being invited online, even the trade apprentices of Ordnance Factories would be required to apply online. It should be made amply clear in the text of the advertisement notice.

4. This issues with the approval of DGOF & Chairman."

8. It is on this basis that the respondents have treated the NAC and NTC issued by National Council for Vocational Training(NCVT) at par for all recruitment purposes and Diploma in Engineering without NAC/NTC was not an acceptable qualification. They insist that they have followed all the Recruitment Rules and directives on the matter. Further, they also state that the recruitment process involved two stages of written test and a qualifying trade test. As regards the allegations of mass copying, they submit that they had deputed 17 officers for oversight of the written test and no irregularity or malpractice was reported by the observers' team. Further, the applicants

have made this allegation only after approaching this Tribunal and after they did not qualify in the Trade test.

9. In rejoinder, the applicants have contested decision of R-3 on the substantive issue of whether NAC and NTC Certificates can be considered at par and therefore, they state that the authority for deciding the comparable status of NAC and NTC is not vested with the respondents but is rather with the NCVT which is functioning under the DGET, Ministry of Labour, New Delhi. They state that the preference to be given to NAC holders as per Court rulings has not been followed. According to them, NAC and NTC are different with different studies and training. According to them, all NAC holders either passed NTC and then served as apprentices for one year or got directly engaged for apprenticeship training for three years in addition to Matriculation qualification. On the other hand, NTC holders only had Matriculation qualification for getting into ITI and getting an NTC for

different trades, ranging over a period of study of six months or one year or two years only. Therefore, they express the view that the provisions of SRO have been compromised by the clarifications of the respondents. They cite the decision of this Bench of the **Tribunal in OA Nos. 89/2013 & 109/2013 in Sanjay Budha Sonawane & Anr. Vs. Union of India & Ors. decided on 07.08.2017** which had held that the passing of trade test was not mandatory for NAC candidates and that the Recruitment Rules had not been followed and further, that the persons with ITI qualification had been selected when persons with NCTVT qualifications were available.

10. In sur-rejoinder, respondents have reiterated their arguments in reply and have also pointed out that the applicants never made any complaints regarding seating arrangement during or after the examinations.

11. The Private Respondent Nos. 5, 6 & 8 have denied the averments in reply and have sought the selection to be upheld. An intervention petition was also been filed in

M.A. No. 970/2015 dt. 24.11.2015 requesting impleadment since they had been selected but police verification had not been done and they have also filed their relevant certificates in support of their qualification.

12. During arguments, learned counsel for applicant relied on additional citations of Hon'ble Supreme Court in **Union of India & Anr. Vs. M. Bhaskar & Ors. in C.A. No. 5410 of 1991 decided on 06.05.1996; in Public Service Commission, Uttaranchal Vs. Jagdish Chandra Singh Bora & Anr. In C.A. No 3034 of 2007 with C.A. No. 3036 of 2007 decided on 03.03.2014; in Renu & Ors. Vs. District & Sessions Judge, Tis Hazari & Anr. In C.A. No. 979 of 2014 decided on 12.02.2014 and the orders of Hon'ble High Court of Mumbai** in relation to the writ filed against OA Nos. 89 & 109 of 2013. The applicant also relied on the decision of this Bench of the Tribunal in **Nitin Rajkumar Mashidkar & Ors. Vs. Union of India & Ors. in OA No. 385 of 2014 decided on 12.06.2015** in which although NTC and NAC

Certificates were held to be at par, there was no provision in the SRO 185 for a Trade test even if qualifying.

13. The learned counsel for respondents emphasized that the DBW post does not require apprenticeship training. Further, the OA Nos. 89/2013 & 109/2013 had been taken to the Hon'ble High Court in Writ Petition but the appointments had been cancelled after the respondent department had noticed severe irregularities and malpractices. They also state that both NTC & NAC are issued by the same body, NCVT, and with regard to the process of selection which was intended to be made transparent, they refer to the respondent No.1 letter No. 570/A/I (PT) /54/VOL.IV/294 dt. 15.06.2012 which laid out the following stipulations:

"3. In partial modification of OFB letter under reference, the following stipulations are made with regard to selection of Tradesmen in semi-skilled grade through Direct Recruitment in Ordnance Factories:-

i) The selection process shall comprise of Written Test of 100 marks and Trade Test (Practical).

ii) Written Test shall be fully objective type and OMR based.

iii) The Trade Test (Practical) shall be only qualifying in nature, without any marks.

iv) The result of written examination shall be submitted by the Chairman of the Board to Head of the Department under a strictly confidential note for further necessary action. While notifying the list of successful candidates in the Written Test to be called for Interview, the list shall be prepared and notified in alphabetical order and not in the order of merit.

v) On the basis of merit list based on marks obtained in Written Test, candidates 1.25 times the number of vacancies shall be called for Trade Test (Practical).

vi) The Trade Test (Practical) Board shall invariably be headed by an officer of the rank of Additional General Manager.

vii) The Written Test Board and Trade Test (Practical) Board shall be separate and distinct.

viii) The final select list shall be based on marks in the Written Test only, the Trade Test (Practical) being qualifying in nature. The final select list shall be prepared and displayed in order of merit.

4. The contents of Para 6(c) of Annexure to OFB letter dated 06-01-11 "The selection will be made strictly on the basis of merit. The selection process will comprise of written test of 100 marks and Trade Test (Practical) of 100 marks.

All eligible candidates will be called for an objective type written test. On the basis of merit of written test marks, candidates will be called for Trade Test (Practical Test) of 100 marks in the ratio of 1:3 to the number of vacancies. Final merit will be decided on the basis of combined marks in the written and practical test." stand substituted to the extent indicated above. The remaining entries in the Annexure to the OFB letter under reference shall remain unaltered.

5. These instructions shall take effect immediately.

6. In respect of advertisements for recruitment already released for publication, these instructions shall not apply."

14. The learned counsel for private respondents have argued that the applicants took a calculated chance after participating in the examination and having failed to qualify. There was no apprenticeship requirement for DBW which meant that there was no need to give preference to NAC holders and NCVT Certificate was issued to all persons.

15. We have gone through the O.A. alongwith Annexures A-1 to A-14, Rejoinder along with Annexure A-15 filed on behalf of the

applicants. We have also gone through the reply alongwith Annexures R-1 to R-4, filed on behalf of the respondents.

16. We have heard the learned counsel for the applicants and the learned counsels for the respondents and carefully considered the facts and circumstances, law points and rival contentions in the case.

17. The central argument of the applicants is that the respondents have treated National Trade Certificate holders possessing ITI qualification on par with National Apprenticeship Certificate holders although both certificates have been issued by the National Council for Vocational Training. According to their interpretation of the SRO 185 dt. 12.11.1994, only the NAC holders are qualified while ITI or Diploma/Certificate holders are not qualified. The SRO 185 of 1994 was promulgated when the National Council of Training in Vocational Trades had been formed and was only awarding certificates for apprentices who had qualified under the Apprentices Act. The

successor organization is the National Council for Vocational Trades which has a broader ambit and issues certificates for NAC and after regulating the institutions that can conduct ITI training, awards NTC Certificates for such trained persons from recognized ITIs. The SRO as it reads does not specify any limitation but recognizes only the institution which awards certificate and this was NCTVT previously and now it is the NCVT. The NCTVT which has now evolved into the NCVT is sought to be limited in its application in respect of the SRO by the applicants to only NAC holders purely on account of the fact that the NCTVT had a history of that kind. No other credible arguments are put forth by applicants to support their arguments on why this should be so. In the present case, the respondents have argued that no apprenticeship training is available for appointment as Danger Building Worker(Semi Skilled) and there is one category, AOCB, for which there is no separate Trade and apprentices under this

Trade are accepted for the post of DBW. The applicants have argued at one point in time that the DGET is the appropriate authority to declare if NAC and NTC Certificates can be held at par and they also argue that ITI training can range from six months to three years. Such arguments can also be levelled against apprentices but the elementary aspect for an employer is the relevance of such qualifications in reference to their needs in that particular job and the career prospects in respect of such persons since persons who cannot qualify for further promotions and are yet admitted at the entry stage would only become demotivated and prove to be a drag on the organization itself. Therefore, in respect of the post of DBW(SS), it is for employer to make the best judgment of his requirements and state accordingly. The applicants cannot arrogate to themselves the knowledge and responsibility for imputing such a decision. It is perhaps for such reasons that the respondents have retained the SRO in its original form albeit without

even bothering to alter this present nomenclature of the institution awarding such certificates. This they have done in the form of a circular by stating that it is the NCVT which is issuing such certificates which accords with rulings of the judgments of the Hon'ble Apex Court in **Sant Ram Sharma Vs. State of Rajasthan & Ors. (AIR 1967 SC 1910)** in **W.P No. 182 of 1996 decided on 07.08.1967;** in **Union of India Vs. K.P. Joseph & Ors. (AIR 1973 SC 303)** in **C.A. No. 1204(N) of 1967 decided on 27.10.1972;** in **Union of India Vs. P.K. Lambodaran Nair (2002 SCC (L&S) 84)** in **C.A. No. 1788 of 1997 decided on 29.03.2000.** In the case of **Sant Ram Sharma (Supra)**, it was held that "while Government cannot amend or supersede statutory rules by administrative instructions, if rules are silent on any particular point, Government can fill up the gaps and supplement the rules and issue instructions not inconsistent with the rules already framed." The respondents having exercised their administrative jurisdiction on this aspect, cannot be faulted and so long

as implementation is guided uniformly for all applicants based on the SRO read with these instructions, the purposes of the applicants cannot be said to have been harmed. The Respondent No.1 has also issued instructions on 15.06.2012 at supra laying down various stipulations regarding the selection process and follow the guidance as settled by the Hon'ble Apex Court in the above cases.

18. The applicants have cited the decision in OA Nos. 89 & 109 of 2013 and OA No. 385 of 2014 to state that holding a Trade Test was in violation of the Recruitment Rules, although this has been done in consequence of the directions of respondent No.1 in letter supra dt. 15.06.2012. However, the factum of the Trade Test has not been cited as a ground for grievance in the OA and is not considered as relevant for the present purposes.

19. The applicants have argued by reference to a citation that the higher qualification should be given preference. They state that NAC apprentices should be preferred to NTC holders. It is noted that the law that has

emerged finally by virtue of various citations of the Hon'ble Apex Court as discussed and presented by the applicants is that other things be equal, the apprentices should be preferred for appointment. This has been reflected in the terms of selection by the respondents in their detailed instructions enclosed as Annexure A-5 at Para 9(4) which states "in case of other things are equal i.e. marks are equal, preference will be given to trained ex-trade apprentices of Ordnance Factory Organization." From the decision of the Hon'ble Madras High Court in **M. Sabarinathan Vs. The General Manager, Ordnance Factory Trichy & Ors.** (supra) and for which the SLP was dismissed, apprentices from organizations other than Ordnance Factory were also allowed. Therefore, the applicants can have no grievance unless they are able to establish that an apprentice who secured the same marks as an NTC holder was not preferred and no evidence has been provided to support such a presumption.

20. With regard to the allegations

regarding malpractices, it is apparent that the applicants participated in the entire process and awaited the results after which they have raised this objection at the time of filing this OA. It is also settled law that once applicants have participated in the selection process, they cannot turn around and question the terms and conditions under which this process was gone through so long as all the examinees were subjected to the same process without discrimination and there is no averment to this effect. Therefore, this plea of the applicant also fails.

21. In the circumstances, there are clearly no merits in this application which is accordingly dismissed without any order as to costs.

(R.N. Singh)
Member (J)

(R. Vijaykumar)
Member (A)

Ram.