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**CENTRAL ADMINISTRATIVE TRIBUNAL
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O.A. No. 350/00703/2018.

O.A. No. 350/00704/2018

O.A. No. 350/00705/2018

Hon'ble Mrs. Bidisha Banerjee, Judicial Member

Hon'ble -Dr.(Ms) Nandita Chatterjee, Administrative Member

O.A. 703/2018

Prosenjit Mondal,
Son of Santi Ranjan Mondal,
Vill. Bagula College Para,
P.O. Bagula,
P.S. Hanskhali,
Dist. Nadia,
West Bengal, PIN - 741502.

O.A. 704/2018

Sri Bappa Mandal
Son of Sri Krishna Chandra Mandal
Vill. Bagula College Para, P.O. Bagula
P.S. Hanskhali, Dist. Nadia, West Bengal
Pin 741502.

O.A. 705/2018

Sri Chiranmay Das,
Son of Chittaranjan Das
Village Bagula College Para,
P.S. Hanskhali, District Nadia
West Bengal, Pin 741502.

..... APPLICANTS.

By Advocate Mr S. Dhar.

-Versus-

1. Union of India,
Service through the General Manager,
Eastern Railway,
Fairly Place, N.S. Road,
Kolkata - 700 001.
2. The Chairman,
Railway Recruitment Board Malda,

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Kalibari Railway Coloney,
Jhaljhalia, Malda,
PIN – 732102, West Bengal.

3. Assistant Secretary,
Railway Recruitment Board Malda,
Kalibari Railway Coloney,
Jhaljhalia, Malda,
PIN – 732102, West Bengal.
4. Senior Personal Officer,
Head Quarter,
Railway Recruitment Board,
11, Garden Reach,
Kolkata – 700043.
5. The Chief Public Information Officer,
Room No. 5 RTI Cell, Rafi Mar,
Rail Bhawan,
New Delhi – 110001.
6. Senior Divisional Personal Officer,
South-Eastern Railway, Kharagpur,
P.O. Kharagpur,
District – Paschim Medinipur,
PIN 721301.

..... RESPONDENTS.

By Advocate Mr A.K. Guha.

Date of Hearing 11.11.2019.

Date of Order : 20.11.2019

ORDER

BIDISHA BANERJEE, MEMBER(J)

Since identical issues have been raised, identical pleas have been taken and identical reliefs have been sought, these three O.As are taken up analogously to be disposed of by this common order.

2. For the sake of brevity, O.A.No.703/2018 is delineated and discussed hereinbelow. The O.A No.703/2018 has been preferred to seek the following reliefs :

"8.a) For an order directing the respondents to withdraw, rescind, cancel the impugned Memo being No.

B

RRB/MLDT/CEN-01/2014/Cat.01 dated 06.07.2017 issued by the Chairman, Railway Recruitment Board, Malda.

b) For an order directing the respondents not to proceed and / or further proceed with the impugned Memo dated 06.07.2017 issued by the Chairman, Railway Recruitment Board, Malda and further to keep at least 1 (one) posts of Assistant Loco Pilot under the Malda Division in Railway Department vacant till the disposal of the application.

c) For an order directing the respondents to issue appointment letter in favour of the applicant to the post of Assistant Loco Pilot / Technicians under railway department and to release the salaries and allowances as admissible to their posts.

d) Costs of and incidental to this application."

The order impugned in the said O.A dated 06.07.2017 issued by Chairman, Railway Recruitment Board, Malda reads as under :

"RAILWAY RECRUITMENT BOARD, MALDA
Kalibari Railway Colony, PO – Jhaljhalia,
Malda – 732102 (West Bengal)
Tele / Fax : 03512 – 254347.

NO. RRB/MLDT/CEN-01/2014/Cat.01

Date : 06.07.2017.

To
Sri Prosenjit Mondal,
S/O Sri Santi Ranjan Mondal,
Village – Bagula College Para,
P.O. – Bagula,
District :- Nadia (West Bengal),
Pin – 741 502.

Dear Candidate,

Sub: Verification of ITI Trade Certificate Issued by West Bengal Scheduled Castes, Tribes and Minority Welfare Association, Midnapore, West Bengal

During Document Verification you have submitted ITI Trade Certificate issued by West Bengal Scheduled Caste, Tribes and Minority Welfare Association.

As per notification CEN No. 01/2014; the ITI, from where candidate passed, must be approved by NCVT/SCVT.

We have already referred the matter to NCVT & SCVT for their confirmation regarding approval of WBSCSTMWA, Midnapore, West Bengal.

*In reply, West Bengal State Council for Vocational Training has stated that **"The trade courses as mentioned in your letter under reference are not affiliated either to NCVT or SCVT"**.*

This is for your kind information."

It is clearly evident from the said order that applicant was not found entitled as he did not possess ITI Certificate from a centre affiliated either to SCVT or NCVT which was sine qua non to the consideration in view of para 15 of the Notification, that stipulates, course completed Act Apprenticeship ITI approved by NCVT/SCVT were only eligible to apply, and the applicant has failed to show that he possessed such Trade Certificate from a recognized institute in terms of the notification in question. Therefore, we find no infirmity in the respondents action in not appointing the applicant despite the fact that he had cleared the written test, the psychological test and was called for document verification. Although the learned counsel for the applicant would submit that a panel was prepared and the applicant figured in the said panel, he failed to produce the same and the contention of the learned counsel for the applicant that persons with similar certificates from same or similar institutes not affiliated to NCVT or SCVT, have been favoured with appointment, has been suitably responded to.

3. The respondents have informed the applicant on 07.11.2017 that qualification including Technical qualification is verified/accepted by the concerned RRB and a copy of the same along with panel are sent to Divisions through Head Quarter. The

qualification including Technical qualification as mentioned in the RRB papers are only accepted. Further, the respondents in their reply have adequately justified how some persons were considered in past. They have stated that "it is a matter of fact that earlier, some candidates having the same certificates from that Institute organized by West Bengal Scheduled Caste, Tribes & Minority Welfare Association, Midnapore, West Bengal and were empanelled through RRB/Malda against old notifications EN 01/2011 and EN 01/2008. During that time there was no websites of NCVT/SCVT. Verification from authority of NCVT or SCVT was not taken. RRB/Malda may take postulation that West Bengal Scheduled caste, Tribes & Minority Welfare Association, Midnapore, West Bengal may be authorized approved ITI institute from NCVT/SCVT. The petitioners took this action as discrimination to them as in earlier time candidates with same ITI certificates had been empanelled. But in present day only ITI institutes recognized by NCVT/SCVT are strictly considered and no deviation is allowed. Thus the plea taken by Petitioners that their ITI certificates are to be recognized by RRB is not at all acceptable."

4. The respondents have also placed the letter dated 15.12.2016 issued to the Chairman, Railway Recruitment Board by West Bengal State Council for Vocational Training, which reads as under :

"To
The Chairman,
Railway Recruitment Board,
Kalibari Railway Colony,
P.O. - Jhaljhalia, Malda,

PIN – 732 102, West Bengal

Sub : Recognition of ITI courses organised by West Bengal Scheduled Caste, Tribes & Minority Welfare Association, Midnapore, West Bengal.

Ref : Memo No. RRB/MLDT/Qualification, dated 04.11.2016 & dated 28.11.2016 issued by the Assistant Secretary, Rly Rectt Board, Malda.

Sir,

You may be aware that NCVT (National Council for Vocational Training) an autonomous body under the MSDE (Ministry of Skill Development & Entrepreneurship) Govt of India is the nodal organisation for accreditation & affiliation of the ITIs to be run by any Govt./ Private organisation. Any aspiring organisation is to seek for affiliation for ITI courses to the NCVT according to their norms & standard as laid down in the website of Govt of India www.dget.nic.in. NCVT arranges for affiliation of applied institutes and names of such affiliated institutes appear in the above website of Govt. of India.

The trade courses as mentioned in your letter under reference are not affiliated either to NCVT or SCVT as per record of this office.

Thanking you.

Yours faithfully,

Sd/

Secretary

West Bengal State Council for Vocational Training"

The letter manifests that the certificate in question was not from an NCVT/SCVT approved ITI institute. Further, the Employment Notification explicitly spells out the eligibility criteria as :

"Matriculate plus course completed Act Apprenticeship/ITI approved by NCVT/SCVT in the trades of Fitter/Electrician/Instrument Mechanic/Millwright Maintenance Mechanic/Mechanic Radio & TV/Electronics Mechanic/Mechanic Motor Vehicle/Wireman/Tractor Mechanic/Armature & Coil Winder/Mechanic Diesel/Heat Engine/Turner/Machinist/Refrigeration & AC Mechanic OR Diploma in Mechanical/Electrical/Electronics/Automobile Engineering recognised by AICTE in lieu of ITI.

Note: Candidates having higher Educational qualification in Mechanical/Electrical/Electronics/Automobile Engineering recognised by AICTE are also eligible."

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5. In the aforesaid backdrop, having come to discern that applicant lacks the essential qualification that was required for consideration against the post of Assistant Loco Pilot advertised in CEN 01/14, we hold that he did not deserve consideration. Accordingly we dismiss the O.A.

6. Due to identical reasons the other O.As 704 and 705 of 2018 are dismissed as well. There shall be no order as to costs.

(DR NANDITA CHATTERJEE)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

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