
(2007) 04 JH CK 0081

In the Jharkhand High Court

Case No : Writ Petition (C) No. 896 of 2007

Amit Ambar Kachhap

APPELLANT

Vs

The Union of India (UOI) and Another

RESPONDENT

Date of Decision : 10-04-2007

Acts Referred:

Constitution of India, 1950 — Article 14, 16

Citation : (2007) 2 BLJR 1994 : (2007) 3 JCR 9

Hon'ble Judges : Narendra Nath Tiwari, J

Bench : Single Bench

Advocate : M. Jagannath, for the Appellant; Arijit Choudhary and K.B. Sinha and Harsh, for the Respondent

Final Decision : Dismissed

Judgement

Narendra Nath Tiwari, J.—In this writ petition, the petitioner has sought to challenge the recruitment process of Management Trainee in MECON Ltd., which is a Public Sector Undertaking, mainly on the ground that the eligibility criteria of the candidates, who appeared and passed Engineering Graduation Examination in 2006 or appearing in 2007 for their final examination, are only eligible to apply for the same is arbitrary and discriminatory depriving the petitioner and others of their opportunity to apply for that post.

2. It has been stated that the petitioner passed Engineering Graduation Examination in 2004 and he has been deprived of the opportunity because of the said condition, which is wholly irrational and without any legal basis.

3. Mr. M. Jagannath, learned Counsel for the petitioner submitted that imposition of such condition and creation of a class within a class is violative of Articles 14 and 16 of the Constitution of India and the same is wholly unsustainable. The said notice and the entire selection process are, thus, vitiated and liable to be quashed by this Court.

4. A counter affidavit has been filed on behalf of the respondents, raising

preliminary objections, regarding maintainability of this writ petition and locus standi of the petitioner. It has been contended that the petitioner, who does not also fulfil the minimum marks/criteria is not eligible to apply, is not either an interested person or an aggrieved person for challenging the other criteria for eligibility of the examination. The petitioner claims himself as member of the Scheduled Caste, but does not fulfil the requisite minimum criteria of 60% marks in aggregate of all years/semesters in Bachelor Degree in Engineering, even if the candidates, who passed their Bachelor Degree Engineering Examination in 2006-07, having not obtained minimum 60% marks in aggregate of all semesters, are not eligible for appointment for Management Trainee and as such, he has got no locus standi to challenge the said selection criteria. It has been further contended that on the ground of discrimination and on identical grounds, the said Examination was challenged by the petitioner in W.P.(C) No. 575 of 2007, but when the case was taken up, after some argument, learned Counsel for the petitioner prayed for withdrawal of the said writ petition.

5. The second writ petition i.e. the instant writ petition almost on same facts and involving same issue, in absence of any permission of the Court, is not maintainable. It has been also contended that MECON Ltd. Is a juristic person and the selection is being made for appointment in the MECON Ltd. The petitioner has challenged the process of said appointment of MECON Ltd., but the MECON Ltd. has not been made a party to this writ petition. It has been also stated that in the matter of the appointments, some cut-off date has to be fixed by the employer and the same is not the subject of judicial review by this Court. It has been submitted that the core activity of MECON Ltd. is to design engineering, projects and innovative technology, which requires intimate knowledge of theory and engineering principles. Fresh graduate engineers are well-versed in theory, who have latest knowledge are preferable for the object of the Company and in order to achieve the same, fresh graduate engineers only of 2006-2007 batches are made eligible for consideration and the said criteria is not in any way irrational or arbitrary.

6. Considering the said contentions and submissions of the learned Counsel for the parties, though this Court is not prima facie convinced on the ground, the cut-off year is fixed and the candidates of the batches prior to 2006-2007 have been excluded, yet since the petitioner is also otherwise not eligible, having not obtained requisite minimum 60% marks in aggregate, has no locus standi to challenge the said process of selection on the ground of irrational fixation of cut-off passing year.

7. For the aforesaid reason, this writ petition is not maintainable and, is, hereby, dismissed.