

(1998) 07 AHC CK 0074

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 24009 of 1998

Arun Kumar Singh

APPELLANT

Vs

State of U.P.through its Secretary PWD Lucknow & Ors.

RESPONDENT

Date of Decision : 27-07-1998

Acts Referred:

Citation : (1998) 07 AHC CK 0074

Hon'ble Judges : M.Katju, J

Final Decision : Allowed

Judgement

M. Katju, J.—The petitioner claiming to be an apprenticeship is claiming the benefit of the judgment of the Supreme Court in the case of U.P. State Road Transport Corporation (U.P.S.R.T.C) v. U.P Parivahan Nigam Shishukhs Berozgar Sangh and others, 1995 (2) SCC 1.

2. A large number of similar petitions have been filed in this Court claiming similar benefits in various departments of the State Government and the Public Sector Corporations.

3. In writ petition No. 23076 of 1998 filed by Arvind Gautam, I passed an order dated 2071998 referring the matter to a larger Bench of this Court for a decision whether the Supreme Court's verdict is confined to the U.P. State Road Transport Corporation or whether they are applicable to all the departments of the State Government and Corporations. Prima facie, I was of the view that if the aforesaid decision of the Supreme Court is extended to all departments and all corporations there would be violation of Article 16 of the Constitution because candidates highly qualified and meritorious may not be able to get appointments because of misinterpretation of the judgment of the Supreme Court and instead candidates inferior in merit or inferior in qualification may get appointment merely because they have some how managed to get an apprenticeship certificate from some authority in preference to superior candidates.

4. In this petition also the benefit of apprenticeship has been claimed is on the

basis of the aforesaid decision of the Supreme Court.

5. Connect this petition also with Writ petition No. 23706 of 1998. Learned Standing Counsel may file counteraffidavit within three weeks.

6. In the meanwhile operation of the circular dated 491996 (Annexure 6 to the petition), circular dated 1291996 (Annexure 6A to the petition) and circular dated 311998 (Annexure 8 to the petition) shall remain stayed till the decision of the larger Bench.