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**(2010) 12 AP CK 0123**

**In the Andhra Pradesh High Court**

**Case No :** Writ Petition No's. 28679, 28793, 28795, 28796, 28798, 28855, 28889, 28963, 29023, 29024, 29065, 29238, 29436 and 29446 of 2010

C. Raja and Others

APPELLANT

Vs

The APSRTC and Others

RESPONDENT

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**Date of Decision :** 01-12-2010

**Acts Referred:**

**Citation :** (2010) 12 AP CK 0123

**Hon'ble Judges :** L. Narasimha Reddy, J

**Bench :** Single Bench

**Advocate :** M. Ramgopal Rao, for the Appellant; S.C for the APSRTC, for the Respondent

**Final Decision :** Dismissed

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## **Judgement**

L. Narasimha Reddy, J.—In this batch of writ petitions, the action of the A.P.S.R.T.C. (for short "the Corporation") in not permitting the I.T.I. candidates with Motor Mechanic Trade, to apply for the posts of Shramiks, advertised through notification dated 01-11-2010; is challenged.

2. The Petitioners in different writ petitions have passed the I.T.I. course with motor mechanic trade. The Corporation issued the notification, proposing to fill 3,623 posts of Shramiks in different regions of the state, and about 400 posts in Printing Press, etc. The qualification for the post is mentioned as I.T.I with Diesel Mechanic Trade. For the post of Shramiks in the Printing Press, the qualification is stipulated as I.T.I. in Binding, or Machine Trade. The Petitioners contend that the motor mechanic trade studied by them is more comprehensive, than the diesel mechanic trade, and the Corporation ought not to have disabled them from applying for the posts of Shramiks. They contend that, during all the earlier recruitments, the I.T.I candidates, with motor mechanic trade, were permitted to apply for the posts of Shramiks. It is also alleged that, while engaging persons on contract basis, as Shramiks, the Corporation issued notifications, stating that

the candidate must possess I.T.I certificate in diesel mechanic, or machine mechanic, and there is no basis for restricting the eligibility to diesel mechanics alone, under the present notification.

3. On behalf of the Corporation, it is sated that the fleet of the buses run by them is with diesel engines, and in that view of the matter, the persons, who are conversant with diesel engine mechanism, are preferred. According to them, the nature of duties to be discharged by Shramiks is versatile, and accordingly, those, with basic training are chosen. It is also their case that almost, simultaneously, another notification was issued for the posts of 377 Mechanics and 493 Artisans, for which the Petitioners are eligible to apply.

4. Learned Counsel for the Petitioners and learned Standing Counsel for the Respondents, on the other hand, have addressed arguments on the lines, indicated above.

5. The Corporation issued two notifications, in the first week of November: One is for the posts of Shramiks and the other is for Mechanics and Artisans. For the posts of Shramiks, only those, with I.T.I. with diesel mechanic trade, are permitted to apply. The Petitioners, who are from motor mechanic trade, feel aggrieved. The first contention raised on behalf of the Petitioners is that the action of the Respondents in debarring them from applying for the said posts is arbitrary. It is stated that the course of motor mechanic trade is of two years duration, covering the syllabus, pertaining to diesel engines and petrol engines, whereas the course of diesel mechanic trade is of only one year duration, confining to the study of mechanism of diesel engines alone.

6. Even from the contention of the Petitioners, it is evident that the courses of diesel mechanic, on the one hand, and the motor mechanic, on the other hand, are substantially different from each other. Assuming that the course of motor mechanic is comprehensive in nature, the Corporation cannot be denied the discretion to appoint candidates with diesel mechanism alone. The justification offered by them, that a candidate with diesel mechanism is more suited to do, not only odd jobs but also can be entrusted with the duties, pertaining to other components of the bus; cannot be brushed aside. Further, it is always competent for an employer to stipulate the qualifications for its employees. An employer is better suited to determine and prescribe the qualifications to be possessed by the candidates. Unless it is pleaded and established that the qualifications are prescribed, with the intention of favouring a particular section, this Court cannot interfere. Since the Respondents have offered a valid justification, their action cannot be said to be arbitrary.

7. The Petitioners raised the ground of discrimination. Even this deserves to be rejected. The reason is that the plea of discrimination can be raised, only when differential treatment is accorded to equals. When on their own showing, the qualification held by the Petitioners is different from the one, which is required to be possessed by the candidates, the plea of discrimination is not available to

them. The Respondents have also stated that the candidates with motor mechanic trade are on a higher footing; cannot be ignored in this context.

8. The Petitioners, next, contend that the action of the Respondents in denying them the opportunity to apply is unreasonable. It may be true that the Petitioners are disabled from applying for the posts, covered by the notification, issued with a gap of 10 years. This Court would have examined their plea, had there not been any avenues for the Petitioners. It has already been mentioned that the Respondents issued another notification for the posts of Mechanics and Artisans. The candidates with motor mechanic trade alone are eligible to apply. It is important to observe that candidates with diesel mechanic trade are not eligible to apply for those posts. It is not as if the Petitioners are without any opportunity, at all. Hence, this plea also deserves to be rejected.

9. Yet other contention of the Petitioners is that the Corporation permitted the candidates with motor mechanism for engaging them as Shramiks, on outsourcing basis, and there is no reason to deny the same facility. The parameters that were adopted for outsourcing cannot be applied for regular appointments. Further, there was no division of categories, when the individuals are appointed on outsourcing basis. While some of them were entrusted with the duty of Mechanics and Artisans, others were required to work as Shramiks, pure and simple. The Corporation has now divided the posts clearly into various stages, and steps are initiated for the selection and appointment of candidates. The posts of mechanics carry higher scale of pay, and the candidates, that are eligible for those posts, cannot insist that they be considered for the posts, with lesser pay scale also.

10. Viewed from any angle, this Court does not find any merit in the writ petitions. They are accordingly dismissed. There shall be no order as to costs.