

(1979) 11 KAR CK 0023
In the Karnataka High Court
Case No : W.P. 13457/79

Ramanujan P.

APPELLANT

Vs

Selection Committee for Admission to Govt. Aided Eng.
Colleges and Others

RESPONDENT

Date of Decision : 06-11-1979

Acts Referred:

Karnataka Engineering Colleges and Technological Institutes (Selection of Candidates for Admission) Rules, 1979 — Rule 3(E)

Citation : (1980) 1 KarLJ 151

Hon'ble Judges : Rama Jois, J

Judgement

1. In this writ petition, the petitioner who was an applicant for admission to Part-time Engineering Degree Course (Electrical) to the 1st respondent Selection Committee constituted by the State Government has presented this writ petition praying for issue of a writ of mandamus directing the 1st respondent to select the petitioner for admission to the Part-time Engineering Degree Course during the current academic year.

2. The petitioner secured a diploma in Electrical Engineering from the Department of Technical Education of the State Govt. in June, 1975. Thereafter, he underwent training commencing from 1-10-1975 to 11-6-1976 in Kirloskar Electrical Company Ltd. Bangalore. Thereafter, the petitioner was given employment by the Hindustan Aeronautics Limited, Bangalore. He was selected for the post of Assistant Supervisor and was placed on training from 14-6-1976 to 13-12-1977. From 14-2-1977, he was appointed as Assistant Supervisor. During the period of training he was paid stipend. After 14-12-1977, he was paid the pay scale fixed for the post. The State Government has constituted a Selection Committee for making selections to the Government and Aided Engineering Colleges in the State. Apart from the regular course, there is also a Part-time Engineering Degree Course for which students who have passed diploma in the concerned subject alone are eligible. During the current academic year, the petitioner submitted his application to the 1st respondent for selection

for admission to Bachelors Degree Engineering Course (Electrical). The petitioner was, not selected, though according to the petitioner candidates who have secured lesser marks than him have been selected. Hence, the petitioner has presented this writ petition complaining of discrimination.

3. Sri B.B. Mandappa, learned High Court Government Pleader, appearing for the Selection Committee submitted that the petitioner was not selected as the Selection Committee was of the view that the petitioner was not eligible for selection. He placed reliance of Rule 3(2)(e) of the Karnataka Engineering Colleges and Technological Institute (Selection of candidates for admission) Rules, framed by the State Government on 18-7-1979. Sub-rule (2) of Rule-3 provides that no person shall be eligible to apply for admission to a part-time course in any College, inter alia, unless he is holder of a diploma in the appropriate branch of Engineering granted by the Board of Technical Examinations and Rule 3(2)(e) on which the learned Counsel appearing for the respondents relies reads as follows:

"(e) He has on 1st July of the year of admission, not. less than three years" professional experience in the branch of Engineering in which he holds a diploma pained after passing the examination leading to such diploma;"

There is no such dispute that the petitioner passed the diploma examination in June, 1975. According to the Selection Committee, the petitioner had no three years professional experience in the electrical branch of engineering in which the petitioner holds the diploma.

4. Learned Counsel appearing for the petitioner submitted that rejection of the claim of the petitioner on the ground that he had no three years professional experience was wrong. He submitted that the period of training undergone by the petitioner at Kirloskar Electrical Company Limited and the Hindustan Aeronautics Ltd., as a Supervisor Trainee also constitutes experience and the Selection Committee was wrong in proceeding on the basis that only the period commencing from 14-12-1977, from which date the petitioner was taken as full-fledged Assistant Supervisor on the establishment of H.A.L. alone constitutes experience.

5. Therefore, the only question for consideration in this case is whether the petitioner satisfied the condition of eligibility framed under R. 3(2)(e) of the Rules. The aforesaid Rule provides that over and above the diploma qualification, the applicant concerned should have three years professional experience. In the present case, the petitioner secured Diploma Engineering in June, 1975. Therefore, he fulfilled the minimum academic qualification prescribed for selection. There is no dispute that the period spent by the petitioner as diploma trainee from 1-10-1975 to 11-6-1976 at Kirloskar Electrical Company Limited was not part of the diploma course and that was not a condition for the issue of diploma certificate. If such training was a condition for the issue of diploma, the training period would have become part of the academic qualification, and could

not have been treated as period of experience. During the period spent by the petitioner as diploma trainee certainly he gained" professional experience. Thereafter also during the period from 14-6-1976 to 13-12-1977, when he was Supervisor trainee at Hindustan Aeronautics. Limited, he acquired professional experience in the branch of electrical engineering over and above the academic qualification already possessed by the petitioner. The Selection Committee, however, took the view that it is only after the petitioner secured fulfilled employment from 14-12-1977 he began to acquire professional experience. The Rule does not prescribe that the candidate concerned must have been in regular employment for a period of three years. The Rule only requires that he should have had professional experience in the concerned subject after securing academic qualification of diploma. During the period commencing from 1-10-1975 to 11-6-76, the petitioner was entertained as a diploma trainee by the Kirlosker Electrical Company Ltd. and he was receiving a stipend of Rs. 350/- and similarly during the period commencing from 14-6-1976 to 13-12-1977. during which period he was entertained as a Supervisor trainee by the Hindustan Aeronautics Ltd, he was receiving a stipend of Rs. 300/- per month. Such period of training during which a trainee is made to work under the guidance of seniors and experts certainly gives the trainee the necessary experience in the concerned profession.

6. That the word "experience" also includes a period of training is also clear from the meaning of that word given in the Webster's New World Dictionary which reads as follows:

"Experience: (1) The act of living through an event or events,. 2. anything or everything observed or lived through. 3. effect on one of anything or everything that has happened to him. 4. (a) activity that includes training and personal participation (b) the period of such activity (c) knowledge, skill or practice resulting from this (underlining italics by me)

As can be seen from the meaning given above, the word "experience" also means any activity including training and personal participation and the knowledge or skill resulting from it. Therefore, during the period when the petitioner was diploma trainee at Kirlosker Electrical Company Ltd. and as Supervisor trainee at Hindustan Aeronautics Ltd. he acquired experience and if that period is counted, there is no doubt that the petitioner had more than three years experience in addition to the academic qualification of diploma.

7. Sri B.B. Mandappa, learned High Court Government Pleader, appearing for the respondents strenuously contended that importance must be attached to the word "professional" occurring before the word "experience" and therefore he submitted that professional experience means experience secured after acquiring an employment or profession. I am unable to agree. The professional experience contemplated by Rule 3(2)(e) is the experience in that branch of engineering in addition to professional academic qualification of diploma. It cannot be said that a person does not acquire professional experience during the period in which he

is given training in the particular branch of engineering.

8. The Selection Committee, therefore, was wrong in taking the view that the period spent by the petitioner as diploma trainee and supervisor trainee respectively as aforesaid did not constitute experience. It is not disputed that the candidates who have secured lesser marks than the petitioner have been selected. Therefore, the non-selection of the petitioner has resulted in violation of right to equality guaranteed under Article 14 of the Constitution.

9. For the aforesaid reasons, I make the following order:

(i) Rule made absolute.

(ii) A writ in the nature of mandamus shall issue to the 1st respondent to select the petitioner for admission to the part-time Bachelors Degree of Engineering (Electrical) during the academic year 1979-80 in addition to the selections already made. No selection of any candidate already made shall be disturbed.

(iii) No costs.

Sri B.B. Mandappa, High Court Government Pleader, is permitted to file memo of appearance within two weeks from today.