

(2020) 02 GUJ CK 0086

In the Gujarat High Court

Case No : R/Special Civil Application No. 3194 Of 2020

Shreykumar Sunilkumar Naik

APPELLANT

Vs

Oil And Natural Gas Corporation

RESPONDENT

Date of Decision : 04-02-2020

Acts Referred:

Citation : (2020) 02 GUJ CK 0086

Hon'ble Judges : Sonia Gokani, J

Bench : Single Bench

Advocate : Zubin F Bharda

Judgement

Sonia Gokani, J

1. Petitioner is before this Court seeking following reliefs:-

"(A) That this Hon'ble Court may be pleased to admit and allow this petition;

(B) That this Honourable Court may be pleased to quash and set aside the action of the respondent ONGC in refusing to allow the petitioner to participate further in the ongoing process of recruitment which has started pursuant to the advertisement issued in January 2019 and in turn be pleased to direct the ONGC to allow the petitioner to participate in the recruitment process by accepting the domicile certificate possessed and produced by the petitioners at the stage of production of documents for verification.

(C) That this Hon'ble Court be pleased to hold the condition imposed in the advertisement requiring the candidates to possess the domicile certificate of state of Gujarat on the date of making of the online applications as highhanded, arbitrary, unjust and perverse and in turn be pleased to direct the ONGC to consider the domicile certificate possessed by the petitioners and consider their candidature on merits by allowing them to take part in the selection process.

(D) Pending admission and/or final disposal of this Special Civil Application, this Honourable Court be pleased to direct the ONGC to call upon the petitioners to

produce documents for verification without objecting to the petitioners not having possessed domicile certificate on the date of making of the online application and allow the petitioners to participate in the selection process which has commenced from the issuance of the advertisement issued in January 2019 by the ONGC.

(E) Pending admission, hearing and final disposal of this petition, Your Lordships may be pleased to restrain the respondent ONGC from rejecting the application of the petitioner solely on account of non possession of domicile certificate not be obtained on the date of application.

(F) That this Hon'ble Court be pleased to grant such other and further relief as may be deemed fit and proper in the facts and circumstances of the case.

(G) That this Hon'ble Court be pleased to award cost of the petition."

2. The petitioner is aspiring to be appointed on the post of Assistant Technicians or Junior Assistant Technicians under the various heads in the Oil and Natural Gas Corporation Limited (herein after referred to as the 'ONGC') - the respondent herein. Their candidature since has been rejected, though his name appears in the qualified merit list, on the ground of his not having possessed the domicile certificate at the time of filing of the application and hence, he is before this Court.

3. This Court has heard learned senior advocate Mr. S.N. Shelat appearing with learned advocate Mr. Bharda who has urged that the petitioner has already qualified himself and is figuring in the merit list. On the ground of non-fulfillment of the condition specified in the Advertisement No. 01 of 2019 where condition no.7 is said to have been not complied with which requires that a candidate must possess a valid certificate of domicile of the State of Gujarat at the time of on-line application, which the candidate was required to produce at the time of skill test/uploading the documents. The petitioner has been called physically and some are refused the further process of their candidature on the ground of their not possessing the valid certificate of domicile of State of Gujarat.

4. The attention of this Court is drawn to the documents mentioned at Sr. No. 4 under the heading of crucial test of determining the eligibility criteria and the various certificates which are said to be crucial and necessary. It has been pointed out to the Court that domicile certificate is missing in this list and moreover, what is far more important is that candidate must possess the certificate of domicile and the petitioner is born in the State of Gujarat.

5. Issue Notice returnable on 26.02.2020. Pending admission and final hearing, respondents are restrained from denying the consideration, solely on the ground of non-possession of the domicile certificate, at the time of making on-line application.

6. Direct service TODAY is permitted.