
(1997) 10 AP CK 0074

In the Andhra Pradesh High Court

Case No : Writ Petition No. 14403 of 1997

Sripathi Srinivas and Others

APPELLANT

Vs

Regional Manager, APSRTC, Karimnagar Region and Another

RESPONDENT

Date of Decision : 28-10-1997

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (1998) 1 ALT 464

Hon'ble Judges : T.N.C. Rangarajan, J

Bench : Single Bench

Advocate : A. Satyanarayana Reddy, for the Appellant; A. Vyjayanthi, for the Respondent

Judgement

T.N.C. Rangarajan, J.—This writ petition is directed against the selection to the post of the Cleaner on daily wage basis in APSRTC, Karimnagar Zone. The complaint of the petitioners is that even though they are duly qualified by having acquired a Diploma in I.T.I. and apprenticeship training from other Institutions, the call letters for vacant posts of Cleaners were issued by the Regional Manager, APSRTC, Karimnagar Zone through the Principal of the Zonal Staff Training College, APSRTC, Warangal only to those who had completed I.T.I. apprenticeship from that Institution. The learned Counsel for the petitioners submitted that such restriction of recruitment to the trainees of the Zonal Staff College is violative of the principle of equality enshrined in Article 14 of the Constitution of India.

2. In the counter-affidavit, the fact that the call letters were confined to the I.T.I. apprentices of the Zonal Staff Training College is not disputed. The learned Counsel for the respondents submitting that a decision was taken by the Vice-Chairman & Managing Director of the A.P.S.R.T.C., on 23-4-1997 to the following effect :

"Detailed guidelines have been issued vide para 6.3 of the Circular 1st cited for recruiting ITI candidates for the post of Cleaners.

Now it is decided to revise the procedure of selection for direct recruitment of Cleaners from among the ITI Apprentices, who have undergone and completed training in APSRTC, where such lists of candidates are available with the Principals, of the then Regional Staff Training Colleges and the present Zonal Staff Training Colleges, following the judgment of Supreme Court in UPSRTC v. Parivahana Nigam, reported in 1995 SCC.

In supersession of the circulars cited, the following guidelines are issued for selection of ITI Apprentices who have under gone and completed training in A.P.S.R.T.C.

(1) The candidates should be selected strictly according to the year wise seniority of Apprenticeship in APSRTC. For example, the candidates who have done ITI Apprenticeship in APSRTC in the year 1992 will become seniors to those who have done ITI Apprenticeship in the year 1993.

(2) The selection should be done based on the marks secured by the candidates in the ITI, and the candidates should be selected duly following the rule of reservation."

Therefore, it was submitted that the Supreme Court has by implication upheld the process by which the recruitment can be confined to those specially trained to meet the needs of the recruiting agency, and therefore, the selection was valid. I am unable to accept this contention. The persons trained by the A.P.S.R.T.C may form a class but they cannot exclude others who are equally qualified unless such a classification has a nexus with the purpose of the recruitment. In the present case, the job for which the recruitment was made was only a Cleaner which is not a specialised job for it can be said that training by APSRTC Zonal College alone is vital for manning the post. Since the classification is itself untenable with reference to the purpose of recruitment there is a clear discrimination against the other candidates who are equally qualified. The decision of the Supreme Court referred to above was dealing with the claim of certain apprentices for absorption on the basis of promissory estoppel. The Supreme Court held that merely because they have been trained by particular institution, there is no need for examination that they will have assured jobs. It was held in that case the other things being equal, trained apprentices should be given preference in case of employment. In the present case also, if there had been a general notification calling for applications, the other things being equal, the apprentices trained by the Zonal Staff Training College could be given preference. But, if the apprentices trained by the Zonal Staff Training College are substandard, it will not enable the Corporation to employ them in preference to better qualified general candidates by adopting the method of confining recruitment to the apprentices trained by the Staff Training College. It is for this reason that the application of the decision of the Supreme Court for amending the rules of recruitment is untenable. Circular No. PD-27/97 dated 17-4-1997 is set aside. The selection made on that basis is also set aside. However, since the respondent-Corporation has already conducted the interviews

for those who have appeared from the Staff Training College all that is required is that publication of notification calling for applications from equally qualified candidates of Karimnagar Zone, interview them and select those who qualify according to their merit taking all the candidates into consideration while giving preference to the candidates of Staff Training College if they are otherwise equally qualified.

3. With the above directions, the writ petition is allowed. No costs.