
(2007) 10 AHC CK 0036
In the Allahabad High Court

Vivek Kumar

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 10-10-2007

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2008) 116 FLR 100

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rakesh Tiwari, J.—Heard learned Counsel for the petitioner, Sri Ashok Nigam, Additional Solicitor General of India for the respondents and perused the record.

2. The petitioner has undergone apprenticeship training in BHEL Jhansi in the year 1992-93. He claims that in view of the guidelines laid down by the Apex Court in U.P. Road Transport Corporation v. U.P. Parivahan Nigam Shikshuka Berozgar Sangh and Ors. AIR 1995 SC 115 he is entitled for appointment on the post of Fitter on preferential basis, as he has undergone training in the establishment.

3. The petitioner also filed Civil Misc. Writ Petition No. 14780 of 1998 Vivek Kumar v. The General Manager, Bharat Heavy Electricals Ltd. Jhansi Unit, Jhansi and Ors. in this regard which was disposed of vide order dated 2.5.1998 with the following observations-

Learned Counsel for respondents contended that the petitioner has not placed sufficient material to show that the petitioner has taken apprenticeship training. If the petitioner applies for appointment he will place the necessary material to show that he had taken apprenticeship training and on such material the respondents shall pass order. The order will have to satisfy that the apprenticeship training was taken by the petitioner in accordance with the provisions of the Apprentices Act.

In case the respondents decide to fill up any vacant post the petitioner can also apply for the same and his candidature shall be considered keeping in view the guidelines given by the Hon"ble Supreme Court in the aforesaid case. The representation of the petitioner in this regard is to be considered by the respondents before making appointment.

The writ petition is finally disposed of with the above observation/direction.

4. The contention of the counsel for the petitioner is that he has made several representations and on the last representation dated 14.5.2007 the petitioner has been informed vide letter dated 19.5.2007 (Annexure-4 to the writ petition) by the respondents that no recruitment has been made on the post of Artisan till date after order dated 2.5.98 has been passed by the High Court. It appears that thereafter respondent No. 2 has decided to fill up the post of Fitter thereafter by Scheduled caste Candidates.

5. The petitioner has come up in this writ petition for quashing the impugned advertisement dated 17/23.9.2007 on the ground that he is not being considered for the post of Fitter.

6. The contention of the counsel for the petitioner has no force as from perusal of the judgment and order of this Court dated 2.5.1998 in the aforesaid Civil Misc. Writ Petition No. 14780 of 1998 Vivek Kumar v. The General Manager, Bharat Heavy Electricals Ltd. Jhansi Unit Jhansi and Ors. it appears that it is clearly provided in the aforesaid order that in case the respondents decide to fill up any vacant post, the petitioner can also apply for the same and his representation in this respect may also be considered by the State Government.

7. Admittedly, the petitioner has neither applied for the said post nor has sent his representation along with the application to the authority concerned. He has not submitted any representation after the respondents decided to fill up the post and advertised the vacancy.

8. For the reasons stated above, it is not a fit case for interference under Article 226 of the Constitution of India. The writ petition is accordingly, dismissed. No order as costs.