

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****SPECIAL CIVIL APPLICATION NO. 12405 of 2006****With****SPECIAL CIVIL APPLICATION NO. 14340 of 2003****With****SPECIAL CIVIL APPLICATION NO. 25083 of 2007****With****SPECIAL CIVIL APPLICATION NO. 25084 of 2007****With****CIVIL APPLICATION NO. 6241 of 2011****In****SPECIAL CIVIL APPLICATION NO. 12405 of 2006****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR.JUSTICE AKIL KURESHI****and****HONOURABLE MS JUSTICE SONIA GOKANI**

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- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
- 2 To be referred to the Reporter or not ?
- 3 Whether their Lordships wish to see the fair copy of the judgment ?
- 4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?
- 5 Whether it is to be circulated to the civil judge ?

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**MAHAVER JITENDRA KISHANLAL.....Petitioner(s)****Versus**

## STATE OF GUJARAT &amp; 5...Respondent(s)

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Appearance:

MR BHUSHAN B OZA, ADVOCATE for the Petitioner(s)

MR JAIMIN GANDHI, AGP for the Respondent(s) No. 1

MR MD PANDYA, ADVOCATE for the Respondent(s) No. 3

MR SHAKEEL A QURESHI, ADVOCATE for the Respondent - NCVT

RULE SERVED BY DS for the Respondent(s) No. 2 - 6

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CORAM: **HONOURABLE MR.JUSTICE AKIL KURESHI**  
and  
**HONOURABLE MS JUSTICE SONIA GOKANI**

**Date : 29/04/2014**

**ORAL JUDGMENT**

**(PER : HONOURABLE MR.JUSTICE AKIL KURESHI)**

Petitioners had worked as apprentice lineman with the Gujarat Electricity Board which was later on bifurcated into different zonal Vij Companies. They have filed these petitions praying for a direction to the respondents to appoint them to the post of Helper (Electrician/Wireman). Their petitions are opposed mainly on the ground that they were engaged only as apprentice trainees. They had not passed the trade test. They, therefore, cannot be appointed on regular establishment.

Both sides agree that these petitions form part of a larger group of Letters Patent Appeals and petitions disposed of by a common judgment dated 14<sup>th</sup>/17<sup>th</sup> February 2014 being LPA No.1138 of 2004 and connected matters, in which certain directions have been issued. It is undisputed that the petitioners had though completed the apprentice training period, had not appeared in the trade test. In the said judgment dated 14/17.2.2014, we had given following directions:

“33. In the result, all the proceedings are disposed of with the following directions:

(1) All those candidates whose names were included in the data bank upon successful completion of the apprenticeship training period and who had never appeared in trade test and therefore not offered appointment shall be given one chance for appearing in the trade test and if they pass the trade test, the concerned authorities shall issue necessary certificate of completion of apprentice training.

(2) In their cases, the Board shall offer appointment to the post of Helper as and when vacancies so arise which shall be after verification that by that time such candidates' turn for being considered to the post in question (keeping the question of not passing trade test aside) had arrived the candidates should not have crossed the maximum upper age limit prescribed including the relaxation for apprentice trainee if any under the Rules and Regulations.

(3) Such appointment shall be a fresh appointment without any benefit of past service, monetary or otherwise.

(4) Writ petitions of these petitioners shall stand allowed to the above extent.

(5) All those candidates who had previously appeared (whether 6 times or less) and failed in the trade test shall have no further chance for appearing in the trade test. Their writ petitions stand dismissed.

(6) Letters Patent Appeal No.1138 of 2004 and connected appeals shall be governed by the same directions and terms. Writ petitions of the such original petitioners-appellants shall stand allowed/dismissed as mentioned above.

(7) Letters Patent Appeal No.282 of 2009 and all connected appeals filed by the Board shall stand dismissed. Judgment of the learned Single Judge is confirmed.

(8) All those candidates who had never appeared in the trade test and therefore would be governed by the above directions shall file a declaration on oath before the respective Vij Companies to this effect within one month from today. It is clarified that if it is found that there is misdeclaration of material aspects in such statement, it would be open for the Vij Companies to take appropriate steps against such declarant.

(9) For the purpose of giving one opportunity of appearing in the trade

test as directed above, the respondents shall verify the details of the candidates and prepare a list and forward the same in the prescribed proforma to NCVT of those candidates who qualified for chance as provided hereinabove. This shall be done within a period of four months from the date of receipt of a copy of this order.

(10) NCVT, thereupon, shall include these candidates in the next ensuing trade test and permit them to appear in the trade test.”

These cases being identical, such directions shall apply mutatis mutandis in these cases. We are informed that the Vij Companies have called for declarations from interested candidates regarding their non-appearance in the trade test previously. The petitioners shall have time upto 5<sup>th</sup> May, 2014 to file such affidavits. If they file such affidavits, before the said date, their case shall also be examined along with other eligible candidates in terms of the directions noted herein-above.

All these petitions are disposed of accordingly.

In view of the order passed in the main matter, Civil Application does not survive and the same stands disposed of accordingly.

**(AKIL KURESHI, J.)**

**(MS SONIA GOKANI, J.)**

(vjn)