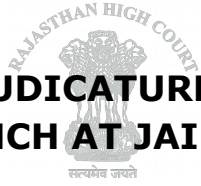


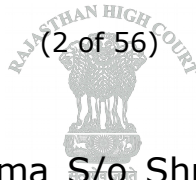


**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Civil Writ Petition No. 16312/2024

1. Komal Kumawat D/o Shri Prem Chand, Aged About 31 Years, R/o 588/2, Kumawat Sadan, Shantipura, Main Road, Vaishali Nagar, Ajmer (Raj.).
2. Anees Mohammad S/o Shri Nizam Mohammad Mansuri, Aged About 35 Years, R/o Nathi Ka Jav, Ward No. 06, Gandhi Nagar, Kishangarh, Ajmer (Raj.).
3. Rajesh Sihag S/o Shri Rameshwar Lal Sihag, Aged About 27 Years, R/o Adrash Nagar, Moleesar Bara, Churu (Raj.), At Presently Residies Flat No. - 12/b-102, Bhriugu Apartment, Bhriugu Path, Mansrovar, Jaipur (302020).
4. Neeraj Sharma S/o Shri Krishan Kumar Sharma, Aged About 34 Years, R/o Teh. Neemkathana, Goonri, Ganwari, Sikar (Raj.).
5. Ramniwas Saini S/o Shri Manohar Lal Saini, Aged About 32 Years, R/o Ward No. 04 Todpura, Jhunjhunun (Raj.).
6. Mukesh Kumar Kalyan S/o Shri Banwari Lal Verma, Aged About 24 Years, R/o Ward No. 02, Rela Ki Dhani, Nawalgarh, Todpura, Jhunjhunun (Raj.).
7. Prithvi Singh Shekhawat S/o Shri Kalyan Singh Shekhawat, Aged About 34 Years, R/o Ward No. 05, Geelo Ki Dhani, Ladpura, Sikar (Raj.).
8. Suraj Kumawat S/o Shri Premchand Kumawat, Aged About 22 Years, R/o 588/1, Kumawat Sadan, Shantipura, Main Road, Ajmer (Raj.).
9. Naresh Kumar Saini S/o Shri Baldev Saini, Aged About 34 Years, R/o Kua Bhadriyala Nohara, Tehsil Nawalgarh, Kirodi, Jhunjhunu, (Raj.).
10. Divakar Dhenwal S/o Shri Munna Lal, Aged About 36 Years, R/o 7, Harijan Mohalla, Ward No. 29, Sujangarh, Churu(Raj.), At Presently Residies E 149 Kataria Colony Ramnagar Vistaar Sodala, 302019, Jaipur (Raj).
11. Amit Kumar S/o Shri Sukhram, Aged About 34 Years, R/o Dhandhal Chaina, Churu, Gulpura (Raj.), At Presently Residies 35 A, Ram Nagar Extension Shyam Nagar , Sodala, 302019 - Jaipur (Raj).
12. Pawan Kandela S/o Shri Ram Gopal, Aged About 36 Years, R/o Balaiyon Ka Mohalla, Bagru, Jaipur (Raj.).



13. Nitesh Kumar Sharma S/o Shri Jamna Shankar Sharma, Aged About 33 Years, R/o 659, Balaji Nagar, Rangbadi Anandpura @ Phoota Talab, P.i.p. Kota (Raj.).
14. Veerendra Pratap Singh Jadoun S/o Late Shri Man Singh Jadoun, Aged About 35 Years, R/o East Part Of Plot No. 05, Scheme Tripati Vihar-5, Army Nagar Ke Pass, Niwaru Road, Jhotwara, Po. Niwaru, Dist. Jaipur (Raj.).
15. Ummed Saini S/o Shimbhu Dayal Saini, Aged About 27 Years, R/o 11, Patel Nagar, Near C.m. School, Jagdish Colony, Niwaru Road, Jaipur (Raj.).
16. Deepalika Upadhyay D/o Shri Ashok Kumar Updhayay, Aged About 35 Years, R/o Dang Ka Pura, Katkar, Hindaun City, Karauli (Raj.).
17. Kapil Jain S/o Late Shri Ramniwas Jain, Aged About 35 Years, R/o 61/245, Rajat Path, Mansarovar, Jaipur (Raj.).
18. Vinit Kumar Sharma S/o Shri Vasu Dev Sharma, Aged About 33 Years, R/o 173- A, Engineers Colony Sirsi Road Panchyawala (Raj.).
19. Sanwar Mal Prajapat S/o Shri Koda Ram Prajapat, Aged About 33 Years, R/o 77/ward No./07, Gram Hudera, Hudera Agoona, Churu (Raj.).
20. Ratan Lal Bhaira S/o Shri Mularam Bhaira, Aged About 31 Years, R/o Depalsar, Churu (Raj.).
21. Ankit Sharma S/o Shri Suresh Kumar Sharma, Aged About 27 Years, R/o Brahmano Ki Dhani, Jhar, Jaipur (Raj.).

-----Petitioners

Versus

1. Union Of India, Through The Secretary, Ministry Of Skill Development And Entrepreneurship, Directorate General Of Training, 7Th Floor, Kaushal Bhawan, New Moti Bagh, New Delhi, Delhi-110023
2. The State Of Rajasthan, Through Its Secretary, Department Of Personnel, Government Of Rajasthan, Main Building, Secretariat, Jaipur, Rajasthan
3. The State Of Rajasthan, Through Its Secretary, Department Of Skill, Employment And Entrepreneurship, Govt. Secretariat, Jaipur, Rajasthan



4. Director, Directorate Of Technical Education, (Training Wing) Rajasthan, W-6, Gaurav Path, Jodhpur-342011
5. Rajasthan Staff Selection Board, Through Chairman, State Institute Of Agriculture Management Premises, Durgapura, Jaipur-302018

-----Respondents

Connected With

D.B. Civil Writ Petition No. 18420/2024

1. Mahaveer Prasad Meena Son Of Panraj Meena, Aged About 39 Years, Resident Of Vpo- Balkash, Tehsil Keshoraipatan, District Bundi (Raj.)
2. Mukesh Kumar Carpenter Son Of Jagdish Prasad Carpenter, Aged About 40 Years, Resident Of Vpo- Lesarda, Tehsil Keshoraipatan, District Bundi (Raj.)
3. Deependra Kumar Kewat Son Of Shaym Bihari Kewat, Aged About 31 Years, Resident Of Kiro Ka Mohalla, Balita, Kota (Raj.)
4. Jagdish Nagar Son Of Panchu Lal, Aged About 32 Years, Resident Of Village Rangpuriya Naya Gawan, Post Chitawa, Tehsil Keshoraipatan, District Bundi (Raj.)
5. Harish Kumar Shringi Son Of Bajrang Lal Shringi, Aged About 27 Years, Resident Of Vop-Arnetha, Tehsil Keshoraipatan, District Bundi (Raj.)
6. Shefali Patel D/o Shri Devi Lal Dangi, Aged About 30 Years, Resident Of 219, Dangiyan Ka Guda, Lakhawali, District Udaipur (Raj.)

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Secretary, Department Of Technical Education, Govt. Of Rajasthan, Govt. Secretariat, Jaipur (Raj.)
2. The Department Of Personnel, Through Secretary, Government Of Rajasthan, Government Secretariat, Jaipur.
3. The Director, Directorate General Of Training (Dgt), Government Of India, Employment Exchange Building Pusa Complex, Iari, New Delhi. 110012.
4. The Director, Directorate Of Technical Education



(Training, E-6, Residence Road, Jodhpur (Raj.))

5. The Rajasthan Staff Selection Board, Rajya Krishi Prabandhan Sansthan Parisar, Durgapura, Jaipur Through Secretary.

----Respondents

D.B. Civil Writ Petition No. 15608/2024

1. Asha Ram Meena S/o Duliram Meena, Aged About 33 Years, R/o Village Atoon Khurd Sawai Madhopur, Rajasthan.
2. Monu Rathore S/o Devi Shankar, Aged About 30 Years, R/o H.no. 420, Bharat Bhawan Street, Chhawani, Ramchandrapura, Kota, Rajasthan.
3. Vinod Kumar S/o Poorna Chand, Aged About 33 Years, House No. C-193, 80 Feet Road, Mahesh Nagar, Lalkothi, Jaipur, Rajasthan.
4. Harshit Kumar Jain S/o Vimal Kumar, Aged About 30 Years, Ward 13, Jain Pan Bhandar, Lakheri, Po Lakheri, Bundi, Rajasthan.
5. Degvijay S/o Murlidhar, Aged About 31 Years, R/o House No. 258/27, Gori Pan Bhandar Ki Gali, Bhor Mohalla, Chhawani, Kota, Rajasthan.
6. Dhanraj Rathor S/o Devishankar Rathore, Aged About 32 Years, R/o In Front Of Bharat Bhawan, Chhawani, New Grain Mandi, Kota, Rajasthan.
7. Harish Kumar Gupta S/o Bheem Raj Gupta, Aged About 31 Years, R/o Village Bamuliya Mataji, Tehsil Anta, Baran, Rajasthan.
8. Kamlesh Kumar S/o Tirth Ram Verma, Aged About 36 Years, R/o 453, First Floor, Omax City 2, Bhiwadi, Alwar, Rajasthan.

----Petitioners

Versus

1. Union Of India, Through The Secretary, Ministry Of Skill Development And Entrepreneurship, Directorate General Of Training, Secretariat, New Delhi.
2. The State Of Rajasthan, Through The Secretary, Department Of Technical Education, Secretariat, Jaipur, Rajasthan.



3. The State Of Rajasthan, Through Joint Secretary, Department Of Personnel, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
4. Rajasthan Staff Selection Board, Through Chairman, Jaipur, State Institute Of Agriculture Management Premises, Durgapura, Jaipur.
5. Director, Technical Education, Directorate Of Technical Education, Jodhpur.

----Respondents

D.B. Civil Writ Petition No. 16323/2024

1. Shashikant Sethiya S/o Shri Chetram Sethiya, Aged About 31 Years, R/o Village/ Post- Mandha Tehsil- Kotputli, Sub Tehsil- Pawta, Mandha Jaipur (Raj.).
2. Kamal Kishore Yadav S/o Shri Hanuman Sahay Yadav, Aged About 29 Years, R/o Jaipuriyo Ka Badh, Sirsi , Jaipur (Raj.).
3. Subhanu Singh Jadoun S/o Shri Kailash Singh Jadoun, Aged About 31 Years, R/o Rajput Mohalla, Fatehpur, Karauli (Raj.).
4. Ratan Lal Meghwal S/o Shri Bhinwa Ram, Aged About 36 Years, R/o Aguna Mohalla Ward No. 14, Rajaldesar(Rural), Po Rajaldesar,dist Churu (Raj.).
5. Bajrang Lal S/o Shri Hiralal, Aged About 33 Years, R/o Ward No. 8, Jhari Kothi, Th- Dataramgarh, Tilokpura, Po- Trilokpura, Distt- Sikar(Raj.)
6. Girraj Prasad Meena S/o Shri Sitaram Meena, Aged About 34 Years, R/o Behind School, Chatarpura, Jaipur, Dantli (Raj.).
7. Omprakash Meena S/o Shri Mangal Ram, Aged About 31 Years, R/o Village Moradi, Kalapara, Tehsil Thanagazi, Piplai, Alwar (Raj.).

----Petitioners

Versus

1. Union Of India, Through The Secretary, Ministry Of Skill Development And Entrepreneurship, Directorate General Of Training, 7Th Floor, Kaushal Bhawan, New Moti Bagh, New Delhi, Delhi-110023



2. The State Of Rajasthan Through Its Secretary, Department Of Personnel, Government Of Rajasthan, Main Building, Secretariat, Jaipur, Rajasthan
3. The State Of Rajasthan Through Its Secretary, Department Of Skill, Employment And Entrepreneurship, Govt. Secretariat, Jaipur, Rajasthan
4. Director, Directorate Of Technical Education (Training Wing), Rajasthan, W-6, Gaurav Path, Jodhpur-342011
5. Rajasthan Staff Selection Board, Through Chairman, State Institute Of Agriculture Management Premises, Durgapura, Jaipur-302018

-----Respondents

D.B. Civil Writ Petition No. 16324/2024

1. Hansraj Meena S/o Shri Ramswaroop Meena, Aged About 34 Years, R/o Tehsil Dausa, Jirota Kalan Dausa (Raj.).
2. Sita Ram Bishnoi S/o Shri Amarchand Bishnoi, Aged About 32 Years, R/o Flat No. 12/b1-102, bhrigu Apartment, Bhrigu Path, Mansarovar, jaipur (Raj.).
3. Ram Singh Gurjar S/o Shri Mali Ram Gurjar, Aged About 34 Years, R/o Gurjaro Ki Dhani, Ward No. 02, Risani, Bhurthal, jaipur (Raj.).
4. Harkesh Meena S/o Shri Kalyan Sahay Meena, Aged About 33 Years, R/o 98, Meena Pada, Chordi Dausa (Raj.).
5. Chirag Bandhu S/o Shri Dwarkesh Bandhu, Aged About 36 Years, R/o Behind Bajrang Chat, Mukharji Chouraha, Rajsamand, Kankroli (Raj.) At Presently Residies Flat No. 12/c1-701, Bhrigu Appartment, Bhrigu Path, Mansarovar (Raj.).
6. Ram Niwash S/o Shri Ladu Ram, Aged About 36 Years, R/o Regar Basti, Nawa, Panchwa, nagaur (Raj.) At Presently Residies H.no. 10/21, Swaran Path, Mansarovar, jaipur (Raj.).

-----Petitioners

Versus

1. Union Of India, Through The Secretary, Ministry Of Skill Development And Entrepreneurship, Directorate General Of Training, 7Th Floor, Kaushal Bhawan, New Moti Bagh, New Delhi, Delhi-110023



2. The State Of Rajasthan, Through Its Secretary, Department Of Personnel, Government Of Rajasthan, Main Building, Secretariat, Jaipur, Rajasthan
3. The State Of Rajasthan, Through Its Secretary, Department Of Skill, Employment And Entrepreneurship, Govt. Secretariat, Jaipur, Rajasthan
4. Director, Directorate Of Technical Education, (Training Wing) Rajasthan, W-6, Gaurav Path, Jodhpur-342011
5. Rajasthan Staff Selection Board, Through Chairman, State Institute Of Agriculture Management Premises, Durgapura, Jaipur-302018

----Respondents

D.B. Civil Writ Petition No. 16867/2024

1. Nimish Pandya S/o Late Ashok Pandya, Aged About 31 Years, R/o Ward No. 3 Brahman Mohalla, Anjana, Banswara Rajasthan 327032.
2. Rahul Panchal S/o Narendra Panchal, Aged About 34 Years, R/o Behind Ayurvedic Hospital, Sagwara, Dungarpur Rajasthan 314025.
3. Nitin Darji S/o Bansi Lal Darji, Aged About 32 Years, R/o Anjana Pipapli Chowk, Anjana Rajasthan 327032.
4. Manisha Rao D/o Amar Singh Rao, Aged About 29 Years, R/o Mukam Post Chitari, Cheentri Dungarpur Chitri Rajasthan 314035.
5. Manohar Patidar S/o Ramji Patidar, Aged About 27 Years, R/o Mukam Udaiya Patidar Basti, Siloi, Dungarpur Rajasthan 314026.
6. Mukesh Kumar Dholi S/o Onkar Lal Ji, Bhupal Nagar, Bhoopal Nagar, Chittorgarh, Rajasthan 312204.

----Petitioners

Versus

1. The State Of Rajasthan, Through Its Secretary, Department Of Technical Education, Secretariat, Rajasthan, Jaipur.
2. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.

----Respondents



D.B. Civil Writ Petition No. 17366/2024

1. Anees Ahmad Khan S/o Bhoora Khan, Aged About 46 Years, Resident Of Matya Mahal Ke Pass, Hindauncity, District Karauli
2. Ram Prasad Saini S/o Shri Natthu Lal Saini, Aged About 40 Years, Resident Of House No. 273, Dhani Sakrela, Village Un Bada Gaon, Bandikui, Tehsil Baswa, District Dausa-303313
3. Munne Khan Pathan S/o Shri Nanne Khan Pathan, Aged About 46 Years, Resident Of Sarkari Kila, Bari, District Dholpur
4. Shri Narayan Kataria S/o Late Shri Jagannath Prasad Kataria, Aged About 40 Years, Resident Of Vip Road, Koli Mohalla, Malakhera District Alwar-301406
5. Chandresh Bhowal S/o Shri Dayal Singh, Aged About 32 Years, Resident Of P.no. 7, Ekta Nagar, Manoharpura, Jagatpura, Jaipur-302017
6. Vishnu Nainiwal S/o Shri Brijendra Nainiwal, Aged About 30 Years, Resident Of Near Shivaji School, Uchain, Bharatpur-321302
7. Saiyed Shahanbaz Ali S/o Saiyed Sharif Ali, Aged About 30 Years, Resident Of 11A, Madina Nagar, Khonagoriyan, Jagatpura Road, Jaipur-302031
8. Adil Usama S/o Mufti Khalil Ahmed, Aged About 30 Years, Resident Of P.no. 29, Raees Enclave, Noor Nagar, Luniawas, Goner Road, Jaipur- 302031
9. Altaf Hussain S/o Fariyad Mohammed, Aged About 38 Years, Resident Of Todaraisingh, Tonk-304505
10. Mahender Kumar Balai S/o Shri Khemraj Balai, Aged About 37 Years, Resident Of Village Bardpura, Post Amarwasi, Tehsil Jahajpur, Bhilwara-311201
11. Liladhar Sharma S/o Shri Raman Lal Sharma, Aged About 30 Years, Resident Of Chetram Colony, Ward No. 4, Hindaun City
12. Trilok Malav S/o Shri Mahaveer Prasad, Aged About 32 Years, Resident Of V/p Takakrwhada Tehsil Digod, Kota
13. Vinesh Patel S/o Shri Devilal Patel, Aged About 33 Years, Resident Of Mukam Post Paderi, Tehsil Rishbheo, District



Udaipur-313802

14. Shivraj Dhakar S/o Shri Pratap Dhakar, Aged About 42 Years, Resident Of Village Post Laxmipura, Dhakaran, Tehsil Todaraisingh, District Tonk-304505
15. Ram Kishor Prajapat S/o Shri Babu Lal, Aged About 28 Years, Resident Of De Nagar Bus Stand, Harsuliya, Madhorajpura, Phagi, Jaipur
16. Dinesh Verma S/o Shri Chouthu Ram Verma, Aged About 31 Years, Resident Of Hanuman Nagar, Kuchawara Road, Tehsil Jahazpur, District Sahapura
17. Anop Singh S/o Shri Pratap Singh, Aged About 32 Years, Resident Of Village Runija, Post Khokhar, Tehsil Parbatsar District Kuchamancity-Didwana
18. Dhanna Lal Saini S/o Shri Mohar Pal Saini, Aged About 40 Years, Resident Of Village Karan Bas, Pakhar-Ii Tehsil Mandawar, District Dausa-321609
19. Umesh Kumar Sharma S/o Shri Noratmal Sharma, Aged About 39 Years, Resident Of 1816/1, Rambul Road, Ajmer-305001
20. Shailesh Kumar Rawat S/o Shri Ram Gopal Rawat, Aged About 36 Years, Resident Of H.no. 314, Gate No. 3, Rajat Grah Colony, Nainwa Road, Bundi-323001
21. Deepak Kumar Udai S/o Shri Ram Niwas Udai, Aged About 36 Years, Resident Of Holi Ka Chowk, Village And Post Shri Nagar, District Ajmer-305025
22. Umesh Kumar Sharma S/o Shri Mohan Lal Sharma, Aged About 33 Years, Resident Of 333, New Water Tank, Tehsil Sanganer, District Jaipur
23. Mahaver Prasad Khatik S/o Shri Nand Kishor Khatik, Aged About 45 Years, Resident Of House No. A1-41, Shivaji Nagar, Bundi-323001
24. Poonam Kumari D/o Shri Girraj Prasad, Aged About 29 Years, Resident Of J.p. Nagar (Meena Colony), Delhi Road, Alwar-301001
25. Bharosi Lal Bairwa S/o Shri Gangaram Bairwa, Aged About 32 Years, Resident Of Village Bhanwarwada, Post Aam Kajahjra, Tehsil Nandauti, District Karauli
26. Akashdeep Joshi S/o Shriram Joshi, Aged About 35 Years,



Resident Of House No. 196 Ward No. 08, Sector No. 11 (A), Rhb Colony, Hanumangarh J. Hanumangarh

27. Sandeep Sharda S/o Shri Badri Prasad Sharda, Aged About 32 Years, Resident Of Ward O. 25, Spi Karanpura District Sri Ganganagar
28. Deepak Kumar S/o Shri Deshraj, Aged About 33 Years, Resident Of Ward O. 4, New Khunja, Hanumangarh Jn.
29. Sana Sabbag S/o Abdul Hameed, Aged About 32 Years, Resident Of Ganesh Nagar-Ii Borkheda, Kota
30. Priya Chaudhary D/o Shri Jagdish Chandra Chaudhary, Aged About 36 Years, Resident Of 189, Jai Shri Vihar, District Kota
31. Laxmi Bairwa D/o Shri Om Prakash Bairwa, Aged About 34 Years, Resident Of 196, Veersawrakar Nagar, Kota
32. Narayan Lal Koli S/o Shri Mangi Lal Koli, Aged About 50 Years, Resident Of Sector-7, Akhde Ke Pass Keshv Pura, Kota
33. Shubham Pandya S/o Shri Mahesh Pandya, Aged About 27 Years, Resident Of Tirupati Colony, Tehsil Sagwara, Dungarpur-314025
34. Jitendra Kumar Sharma S/o Shri Kanhaiyalal Sharma, Aged About 40 Years, Resident Of Shriram Mandir Ke Piche, Sunail, Tehsil Pidawa, District Jhalawar
35. Ranjana Sharma D/o Shri Ratan Lal Sharma W/o Shri Labhesh Sharma, Aged About 34 Years, Resident Of 104, Vinayak Vihar B.k. Kaul Nagar, Ajmer-305001
36. Mithlesh Sharma D/o Shri Govind Narayan Sharma, Aged About 43 Years, Resident Of H.no. 1130/28, Hanuman Nagar, Bihari Ganj, Ajmer-305001
37. Arushi Sharma D/o Shri Jaiprakash Sharma, Aged About 31 Years, Resident Of 672F/28 Plot No. 27, Gali No. 5, Shringr Chauvari, Bihari Ganj, Ajmer
38. Prahlad Regar S/o Shri Ram Prasad Regar, Aged About 43 Years, Resident Of Village Kalyanpura Bori, District Tonk-304505
39. Gaurav Kumar Joshi S/o Shri Aditya Kumar Joshi, Aged About 37 Years, Resident Of Village And Post Bansur, Tehsil Bansur, District Kotputli-Behror



40. Chanana Ram S/o Shri Narayan Ram, Aged About 35 Years, Resident Of Chak Dholka Distt Barmer-344001
41. Nikhil Joshi S/o Shri Chandra Shekhar Joshi, Aged About 32 Years, Resident Of Mohangarh, Nathdwara, District Rajsamand
42. Anil Kumawat S/o Shri Shyam Sundar Kumawat, Aged About 32 Years, Resident Of Fauj Mohalla, Nathdwara, Rajsamand
43. Mamta Patidar D/o Shri Ratan Lal Patidar, Aged About 40 Years, Resident Of Damari, District Dungarpur
44. Alka Choubisa D/o Shri Prem Shanker Choubisa, Aged About 45 Years, Resident Of House No. 30, Rnt Colony, Tagore Colony, Dungarpur
45. Manisha Sharma D/o Shri Rajendra Kumar Sharma, Aged About 32 Years, Resident Of Vpo Garh Basai, Tehsil Thanagazi, District Alwar
46. Bhavna Darji D/o Shri Magan Lal Darji, Aged About 32 Years, Resident Of Village Wada Ghodiya, Post Sakani, Tehsil Aspur, District Dungarpur

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Secretary, Department Of Technical Education, Govt. Secretariat, Jaipur (Raj.)
2. The Department Of Personnel Through Secretary, Government Of Rajasthan, Government Secretariat, Jaipur
3. Skill, Employment And Entrepreneurship Through Its Commissioner, Having Its Office At Jhalana Industrial Area, Jaipur-302004 (Raj.)
4. Directorate General Of Training (Dgt), Government Of India Through Its Director Having Its Office At Employment Exchange Building, Pusa Complex, Iari, New Delhi - 110012
5. Directorate Of Technical Education, Through Its Director Having Its Office At Training, E-6, Residency Road, Jodhpur (Raj.)
6. Rajasthan Staff Selection Board, Jaipur Through Its Secretary Having Its Office At Rajasthan Agriculture



Management Institute Premises, Durgapura, Jaipur-302005

-----Respondents

D.B. Civil Writ Petition No. 17984/2024

1. Priyanka Gupta D/o J.p. Kansal W/o Sumeet Gupta, Aged About 46 Years, Resident Of Scheme No. 2, Lajpat Nagar, Alwar (Raj.)
2. Laxmi Devi Sharma D/o Satya Narayan Sharma W/o Jitendra Kumar Sharma, Aged About 45 Years, Resident Of 24, Ramanand Nagar, Bhind Lal Diggi, Alwar (Raj.)
3. Bhojraj Sharma Son Of Chunni Lal Sharma, Aged About 38 Years, Resident Of Village Nimodiya, Tehsil Chaksu, District Jaipur (Raj.)

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Secretary, Department Of Technical Education Govt. Of Rajasthan, Govt. Secretariat, Jaipur (Raj.)
2. The Department Of Personnel, Through Secretary, Government Of Rajasthan, Government Secretariat, Jaipur.
3. The Director, Directorate General Of Training (Dgt), Government Of India, Employment Exchange Building Pusa Complex, Iari, New Delhi. 110012.
4. The Director, Directorate Of Technical Education (Training, E-6, Residence Road, Jodhpur (Raj.)
5. The Rajasthan Staff Selection Board, Rajya Krishi Prabandhan Sansthan Parisar, Durgapura, Jaipur Through Secretary.

-----Respondents

D.B. Civil Writ Petition No. 19363/2024

1. Rekha Rathore D/o Bhanwar Singh Rathore W/o Mahendra Singh Chouhan, Aged About 44 Years, Resident Of 115 B-Block, Near Bhatnagar Mahasabha, Sector-14, Udaipur (Raj.)
2. Kinjal Chouhan D/o Shri Mahendra Singh Chouhan, Aged About 22 Years, Resident Of 115 B-Block, Near Bhatnagar Mahasabha, Sector-14, Udaipur (Raj.)



-----Petitioners

Versus

1. State Of Rajasthan, Through Its Secretary, Department Of Technical Education, Govt. Of Rajasthan, Govt. Secretariat, Jaipur (Raj.)
2. The Department Of Personnel, Through Secretary, Government Of Rajasthan, Government Secretariat, Jaipur.
3. The Director, Directorate General Of Training (Dgt), Government Of India, Employment Exchange Building Pusa Complex, Iari, New Delhi. 110012.
4. The Director, Directorate Of Technical Education, (Training, E-6, Residence Road, Jodhpur (Raj.)
5. The Rajasthan Staff Selection Board, Rajya Krishi Prabandhan Sansthan Parisar, Durgapura, Jaipur Through Secretary.

-----Respondents

D.B. Civil Writ Petition No. 87/2025

1. Kishore Kumawat S/o Ramesh Chand Kumawat, Aged About 31 Years, R/o Chobdaro Ka Rasta Sambhar Lake, District Jaipur, Rajasthan, 303604.
2. Ajmer Singh S/o Peetam Singh, R/o Village Sarekhi, Madha Kankoli, Saipau, District Dholpur, Rajasthan. Pin- 328027
3. Vijay Kumar Borana S/o Chhitar Mal Borana, R/o Asha Nath Ki Gali, Chota Bazaar, Sambhar Lake, Sambhar, District Jaipur, Rajasthan, Pin-303604
4. Prashant Kumawat S/o Radhe Shyam Kumawat, R/o Nawa Road Bus Stand Behind Daak Banglow, Near Kck Computer , Ward No. 10 Sambhar Lake, District Jaipur , Rajasthan, Pin- 303604
5. Dinesh Kumar S/o Shivcharan, R/o 1, Jatab Basti, Machhariya, District Dholpur, Rajasthan, Pin- 328025
6. Sitaram Meena S/o Chhotu Ram Meena, R/o Baslaxman, Panwar Deoli Tonk, District Tonk, Rajasthan.

-----Petitioners

Versus



1. The State Of Rajasthan, Through Its Secretary, Department Of Technical Education, Secretariat, Rajasthan, Jaipur.
2. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.

-----Respondents

D.B. Civil Writ Petition No. 978/2025

1. Lakhan Singh Son Of Shri Raman Lal, Aged About 36 Years, Resident Of 862, Bachhren, Bharatpur (Raj)
2. Manoj Chopra Son Of Shri Shambhu Dayal, Aged About 36 Years, Resident Of 141, Near Water Tank, Tapookra, Alwar (Raj.)
3. Dharmveer Son Of Shri Roshan Lal, Aged About 34 Years, Resident Of Sadhpuri, Bharatpur (Raj)
4. Tanvi Gupta Daughter Of Shri Jaiprakash Gupta, Aged About 28 Years, Resident Of Ward No. 06, Ganesh Ji Road, Shyam Colony, Virat Nagar, Maliwara, Jaipur (Raj.)
5. Lokesh Jangid Son Of Shri Rajender Prasad Jangid, Aged About 29 Years, Resident Of Village And Post Burja, Tehsil Malakhera, District Alwar (Raj.)
6. Ravi Kumar Jangid Son Of Shri Devki Nandan Jangid, Aged About 33 Years, Resident Of Village And Post Burja, Tehsil Malakhera, District Alwar (Raj.)
7. Ms. Shweta Sharma Daughter Of Shri Ramcharan Mistri, Wife Of Shri Ashok Kumar Sharma, Aged About 30 Years, Resident Of 43, Janakpuri-Ii, Imliwala Phatak, Jaipur (Raj.)

-----Petitioners

Versus

1. The Union Of India, Through The Secretary, Ministry Of Skill Development And Entrepreneurship, Directorate General Of Training, 7Th Floor, Kaushal Bhawan, New Moti Bagh, New Delhi - 110023
2. The State Of Rajasthan, Through Its Secretary, Department Of Personnel, Government Of Rajasthan, Main Building, Secretariat, Jaipur (Raj.)
3. The State Of Rajasthan, Through Its Secretary,





Department Of Skill, Employment And Entrepreneurship,
Govt. Secretariat, Jaipur (Raj.)

4. The Director, Directorate Of Technical Education (Training Wing), Rajasthan, W-6 Gaurav Path, Jodhpur- 342014
5. The Rajasthan Staff Selection Board, Through Its Chairman, State Institute Of Agriculture Management Premises, Durgapura, Jaipur (Raj.) 302018

-----Respondents

D.B. Civil Writ Petition No. 1659/2025

Piyush Kumar Sharma S/o Shri Vinod Kumar Sharma, Aged About 33 Years, R/o 1/528, Kala Kuan Housing Board, District Alwar, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Department Of Technical Education, Secretariat, Rajasthan, Jaipur.
2. Secretary, Department Of Personnel, Secretariat, Jaipur.
3. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.

-----Respondents

D.B. Civil Writ Petition No. 2668/2025

Gaurav Sharma S/o Ashok Kumar Sharma Father/o Ashok Kumar Sharma, Aged About 34 Years, R/o Mohalla Bheekam Sa Iyad, Alwar, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Department Of Skilled Planning And Enter And Entrepreneurship Through Its Secretary Rajasthan, Govt. Secretariat Jaipur.
2. Rajasthan Staff Selection Board, State Institute Of Agriculture Management Premises, Shreeji Nagar, Prithviraj Colony, Durgapura, Jaipur, Rajasthan.
3. Secretary, Department Of Personnel, Secretariat, Jaipur.
4. Vinod Saini Son Of Shri Pappu Ram Saini, Aged About 30 Years, R/o Of Mundiya Ka Bas, Barkhera, Dist Alwar.



5. Pankaj Kumar Son Of Shri Navneet Kumar, Aged About 23 Years, R/o Of Chikani, Bahadpurpur, Alwar, Rajasthan.
6. Mukesh Kumar Son Of Shri Gopi Ram, Aged About 31 Years, R/o Village And Post Mandaralla, Tigiyas, Dist Jaipur.
7. Tanvi Gupta Daughter Of Shri Jaiprakash Gupta, Aged About 28 Years, R/o Ward No 06, Gansh Ji Road, Shyam Colony, Viratnagar, Maliwara Raj.

-----Respondents

D.B. Civil Writ Petition No. 3063/2025

1. Dharam Raj Nayak Son Of Shri Shankar Lal, Aged About 39 Years, Resident Of 101, Meghwal Mohalla, Lasadiya Kalan, Kota (Raj.)
2. Inder Jeet Singh Son Of Shri Tejraj Singh, Aged About 44 Years, Resident Of House No. 63, Sukhadiya Colony, Near Police Line Station, Anta Road, Sangod, District Kota (Raj.)
3. Ramjilal Son Of Phool Chand, Aged About 42 Years, Resident Of Rawalka, Bajawla, Jhunjhunu (Raj.)

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Secretary, Department Of Technical Education, Govt. Of Rajasthan, Govt. Secretariat, Jaipur (Raj.)
2. The Department Of Personnel Through Secretary, Government Of Rajasthan, Government Secretariat, Jaipur.
3. The Director, Directorate General Of Training (Dgt), Government Of India, Employment Exchange Building Pusa Complex, Iari, New Delhi. 110012.
4. The Director, Directorate Of Technical Education (Training, E-6, Residence Road, Jodhpur (Raj.)
5. The Rajasthan Staff Selection Board, Rajya Krishi Prabandhan Sansthan, Parisar, Durgapura, Jaipur Through Secretary.

-----Respondents



For Petitioner(s) : Mr. G.S. Gouttam with
Ms. Sakshi Meena
Mr. Tanveer Ahamad with
Mr. Anurag Mathur
Mr. Lakhan Singh Meena with
Mr. Brijesh Yadav
Mr. Avinash Dhanju with
Ms. Nisha Shekhawat
Mr. Raghu Nandan Sharma
Mr. wajid Ali
Mr. Ved Prakash Saini

For Respondent(s) : Mr. Vigyan Shah, Additional Advocate
General with Mr. Yash Joshi,
Ms. Tanvisha Pant,
Mr. Sankalp Vijay,
Mr. Priyam Agarwal,
Mr. Shubhendra Agarwal &
Ms. Ritika Naruka
Ms. Mahi Yadav, Additional Advocate
General with Ms. Manasvita Nakwal
Ms. Manjeet Kaur, CGPC
Mr. Ashish Kumar with
Mr. Digvijay Singh
Mr. Manish Bhardwaj with
Mr. Shreyansh Jain on behalf of
Mr. Nalin G. Narain
Mr. C.S. Sinha, CGPC with
Mr. Mayank Kamwar
Mr. Shiv Kumar

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE ANAND SHARMA
Judgment

REPORTABLE

Reserved on	:::	21/05/2025
Pronounced on	:::	28/05/2025

(Per Hon'ble Anand Sharma, J.)

1. Since common facts and question of law are involved in above writ petitions, hence, they were heard analogously and are being decided by this common order.
2. For the purpose of convenience and with the consent of parties, facts narrated in D.B. Civil Writ Petition No. 16312/2024



are being taken into consideration for the purpose of adjudication of the dispute involved in these writ petitions.

3. Petitioners, who are working as Guest Faculty Instructors in different Government ITI Colleges in different trades, have filed the instant writ petitions to lay a challenge to the validity of the Notification dated 01.09.2023 issued by the Department of Personnel, Government of Rajasthan in order to amend the Rajasthan Technical Training Subordinate Service Rules, 1975 (for short, 'the Rules of 1975'). They have also challenged the Advertisement No.09/2024 dated 11.03.2024 issued by the Rajasthan Staff Selection Board, Jaipur, whereby applications were invited from eligible persons for recruitment against the vacancies of Junior Instructors in different trades.

4. It has been submitted in the writ petitions that post of Junior Instructor in different trades have been created in the Department of Skill Development, Employment and Entrepreneurship (Vocational Education Training), Rajasthan. Recruitment and other service conditions of the aforesaid post of Junior Instructor are regulated by the Rajasthan Technical Training Subordinate Service Rules, 1975.

5. It has been submitted by the petitioners that Rajasthan Staff Selection Board, Jaipur, issued one Advertisement No. 09/2024 dated 11.03.2024 whereby the recruitment process for the post of Junior Instructor in different trades was initiated and applications were invited from eligible persons against as many as 1821 vacancies of Junior Instructors in different trades. Clause-6 of the aforesaid Advertisement prescribes for eligibility and educational qualifications as under:-

**"(A) Academic:**

Secondary with Physics, Chemistry & Mathematics as optional subject under old scheme from a recognized Board or its equivalent examination.

or

Secondary under 10+2 scheme from a recognized Board or its equivalent examination.

(B) Technical :

B.Voc/Degree in the appropriate Branch of Engineering/ Technology or equivalent from AICTE /UGC recognized University established by law in India and relevant National Craft Instructor Certificate (NCIC) in any of the variants under DGT (For those Trades where courses under CITS are available).

or

3 years Diploma in appropriate branch of Engineering / Technology from any institute approved by AICTE and recognized by State Board of Technical Education and relevant National Craft Instructor Certificate (NCIC) in any of the variants under DGT (For those Trades where courses under CITS are available).

or

3 years Diploma in appropriate branch of Engineering / Technology awarded by UGC recognised University established by law in India and relevant National Craft Instructor Certificate (NCIC) in any of the variants under DGT (For those Trades where courses under CITS are available).

or

relevant Advanced Diploma (Vocational) from DGT and National Craft Instructor Certificate (NCIC) in any of the variants under DGT (For those Trades where courses under CITS are available).

or

National Trade Certificate in the relevant Trade and relevant National Craft Instructor Certificate (NCIC) in any of the variants under DGT.

or

National Apprenticeship Certificate in the relevant Trade and relevant National Craft Instructor Certificate (NCIC) in any of the variants under DGT.

(C) Experience (salaried):-

Experience in the trade concerned either in Industry or in a Government Department on a Technical Post or on a teaching post in a recognized teaching/Training Institution after acquiring qualification of :-

<i>B.VoC/Degree in Technology/Engineering</i>	<i>-1 year</i>
<i>Diploma in Engineering/Technology/Advanced Diploma (Vocational) from DGT</i>	<i>-2 years'.</i>
<i>National Trade Certificate/National Apprentice-ship Certificate</i>	<i>-3 years"</i>

6. Petitioners have come out with a case that they possess the requisite academic qualification of Secondary or above, as well as



technical qualification of National Trade Certificate (NTC)/National Apprenticeship Certificate (NAC) in the relevant trades or Degree/Diploma as required in the advertisement. It has been submitted by the petitioners that as per unamended Rules, 1975, the qualification required for Junior Instructor, for instance in Engineering Trade and Maintenance Mechanic, are as under:-



Sr. No.	Name of Post	Method of Recruitment with percentage	Qualification & Experience for Direct Recruitment	Post from which promotion is to be made	Minimum Qualification & Experience for promotion	Remarks
1	2	3	4	5	6	7
3(a)	Junior Instructor (Engineering Trade and Maintenance Mechanic)	100% by direct recruitment	(A) Academic: Secondary with Physics, Chemistry & Mathematics as optional subject under old scheme from any Central/State Board of Secondary Education. or Secondary under 10+2 scheme from any Central/State Board of Secondary Education. (B) Technical: Diploma in appropriate branch of Engineering/Technology awarded by any State Board of Technical Education. or National Trade Certificate in the Trade concerned to Engineering/Technology Branch or National Apprenticeship Certificate in Trade concern to Engineering /Technology Branch (C) Experience: Experience in the trade concerned either in Industry or in a Government Department on a Technical Post or on a teaching post in a recognized teaching Institution after acquiring qualification of:- Diploma in Engineering/Technology-2years'. National Trade Certificate/ National Apprenticeship Certificate -3 years'	-	-	-

7. It has further been submitted by the petitioners that in exercise of powers conferred by the proviso to Article 309 of the



Constitution of India, the State Government amended the aforesaid Rules of 1975 vide Notification dated 01.09.2023 by way of enacting the Rajasthan Technical Training Subordinate Service (Second Amendment Rules, 2023), whreby the qualifications for the post of Junior Instructor have been changed. For instance, the amended qualifications of Junior Instructor (Engineering Trade and Maintenance Mechanic), as per Notification dated 01.09.2023 are being reproduced as under:-



Sr. No.	Name of Post	Method of Recruitment with percentage	Qualification & Experience for Direct Recruitment	Post from which promotion is to be made	Minimum Qualification & Experience for promotion	Remark
1	2	3	4	5	6	7
3.	Junior Instructor (Engineering Trade and Maintenance Mechanic) (L-10)	100% by direct recruitment. out of which (i)50% reserved for NTC/NAC holders and (ii)50% reserved for Degree/Diploma/Advanced Diploma holders.	(A)Academic: Secondary with Physics, Chemistry and Mathematics as optional subject under old scheme from a recognized Board or its equivalent examination or Secondary under 10+2 scheme from a recognized Board of its equivalent examination. and (B)Technical: B.Voc./Degree in the appropriate Branch of Engineering/Technology or equivalent from AICTE/UGC recognized University established by law in India and relevant National Craft Instructor Certificate(NCIC) in any of the variants under DGT (For those Trades where courses under CITS are available) or 3 years Diploma in appropriate branch of Engineering/Technology from any institute approved by AICTE and recognized by State Board of Technical Education and relevant National Craft Instructor Certificate(NCIC) in any of the variants under DGT (For those Trades where courses under CITS are available) or 3 years Diploma in appropriate branch of Engineering Technology awarded by UGC	-	-	1.For Trade of Mech. Motor Vehicle/Mech .Diesel/Mech . Tractor / Mech. Agriculture Machinery/Mech. Driver cum Mechanic should posses a license in Heavy Vehicle Driving from Transport Department. 2.Appropriate Branch of Engineering/ Technology means the branches mentioned in the latest syllabus of the concerned trade published by DGT in force at the time of the publication of advertiseme



			recognised university established by law in India and relevant National Craft Instructor Certificate (NCIC) in any of the variants under DGT (For those Trades where courses under CITS are available) or relevant Advanced diploma (Vocational) from DGT and National Craft Instructor Certificate (NCIC) in any of the variants under DGT (For those Trades where courses under CITS are available) or National Trade Certificate in the relevant Trade and relevant National Craft Instructor Certificate (NCIC) in any of the variants under DGT or National Apprenticeship Certificate in the relevant Trade and relevant National Craft Instructor Certificate (NCIC) in any of the variants under DGT			nt 3. Person holding higher technical qualification in relevant trade/ branch shall also be eligible. 4. NCIC issued under the scheme RPL under CITS is equivalent to regular one year CITS
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8. Further, the petitioners have submitted that while comparing the unamended Rules, 1975 with the amended Rules vide Notification dated 01.09.2023, it reveals that after amendment apart from academic and technical qualification of Degree/Diploma or NTC/NAC, it has been prescribed that candidates are required to possess relevant National Craft Instructor Certificate (NCIC)/Crafts Instructor Training Scheme (CITS) certificate in any of the variant under Directorate General of Training (DGT) for those trades where courses under CITS are available.

9. Petitioners are aggrieved by insertion of such new requirement of possessing NCIC/CITS certificates. As per petitioners such requirement was not there under the unamended Rules and the amendment to the extent of inserting the provisions with regard to possessing NCIC/CITS certificates is ultra vires and repugnant to the guidelines issued by the Director General of Training, Ministry of Skill Development and Entrepreneurship, Government of India.

10. It has been submitted by the petitioners that the National Council for Vocational Training (NCVT) was established by the Government of



India, which recommended for prescription of CITS as essential qualification for recruitment of Instructors in ITI Colleges.

11. Additionally, it has been submitted that Article 246 of the Constitution of India provides for distribution of legislative powers between the Central Government and State Government. It has been pointed out that different subjects have been narrated in List-I, II and III of the Schedule-VIII appended to the Constitution, which provides for Union List, State List and Concurrent List respectively.

12. Petitioners have come out with a case that 'Education including Technical Education' is a subject matter of 'concurrent list' prescribed at entry No.25 and both Union as well as State Government can legislate over the above subject, yet since the above entry 25 of concurrent list has been made subject to provisions of entries 63, 64, 65 and 66 of List-I(Union List), therefore, in case Central Government has enacted any law with regard to determination of standards in institutions for higher and technical education, while exercising powers under Union list, then such law laid down by the Central Government would prevail over the State law.

13. It has further been submitted that as per Article 73 of the Constitution of India, Executive Power of the Union shall extend to the matters with respect to which the Parliament has power to make laws.

14. Petitioners have categorically stated that in exercise of Powers under Article 73 of Constitution, an Office Memorandum (for short, 'O.M.') dated 30.06.2023 has been issued by the Directorate General of Training, Ministry of Skill Development and Entrepreneurship for mandating National Crafts Instructor Certificate (for short, 'NCIC') under Crafts Instructor Training Scheme (for short, 'CITS') as an essential qualification for recruitment of vocational Instructors in the



Government and private Industrial Training Institutes (for short, 'ITI').

Aforesaid O.M. dated 30.06.2023 lays down as under:-

"This is to revisit the instructions pertaining to mandating CITS as an essential qualification for the vocational instructors in Industrial Training Institutes (Government & Private).

2. The DGT vide its order no. MSDE(DGT)-19/01(01)/2019-CD dated 09.1.2020, had interalia communicated consolidation of changes in qualifications for recruitment of instructors of CTS and CITS scheme. According to this, CITS was mandated as an essential qualification for both Degree/Diploma as well as NTC/NAC categories of Instructors.

3. Since then, a number of representations have been received from State Governments/UTs and other stakeholders regarding non-availability of CITS courses and CITS trained candidates in several trades, specially for the New Age and Industry 4.0 related trades.

4. Subsequently, a working group was formed to deliberate on this matter and come up with actionable suggestions to implement the mandatory CITS qualification for the Vocational Instructors while ensuring availability of trainers across all trades.

5. The recommendations of the working group was examined in DGT and it was noted that most of the issues raised were due to non-availability of CITS courses/ CITS qualified trainers in many trades. It was noted that as on date there are 152 CTS trades. Out of these 152 CTS trades, there exist only 55 approved CITS courses. These CITS courses have been mapped to 82 CTS trades (Annexure 1). Therefore, the availability of CITS trained candidates for all the CTS trades is not there.

6. Accordingly, after thorough examination of all aspects, the following guidelines are being issued to States /UTs for recruitment of Vocational Instructors along with the stipulations given below:

S. No.	Category of Instructor	Qualifications for Instructor
a	Trade Instructor	** B.Voc/Degree in appropriate branch of Engineering from AICTE/UGC recognized Engineering College/ university or equivalent with one-year experience in the relevant field. OR ** 03 years Diploma in appropriate branch of Engineering from AICTE/recognized board of technical education with two years' experience in the relevant field. OR * NTC/NAC and CITS/NCIC passed in the



		relevant trade with three years' experience in the relevant field. Note: Out of two Instructors required for the units of 2(1+1), one must have Degree/Diploma and other must have NTC/NAC qualifications.
(i). * In case where CITS qualified candidates are not available either due to the nonexistence of CITS course or non-receipt of application from any CITS qualified candidates or for any other reason, candidates with relevant Technical Qualification may be recruited. ** If any candidate is having CITS qualification in addition to the Degree/Diploma in relevant stream, preference will be given to such candidates over the Degree/Diploma candidates not having CITS qualification. (ii). Any selected candidate who has not done CITS or any other form of pedagogy training shall undergo Pedagogy training within one year from the date of appointment. (iii). If a candidate (both Degree/Diploma and NTC/NAC) has been selected without possessing CITS qualification for the trades which are having CITS course, such candidates will have to undergo CITS training (Regular or RPL) within three years from the date of appointment. (iv). For Candidate (both Degree/Diploma and NTC/NAC) selected in the trade in which CITS qualification does not currently exist, the selected candidates (both Degree/Diploma and NTC/NAC) will have to undergo CITS training under RPL, whenever such CITS qualifications are developed by DGT. "		

15. By narrating the aforesaid facts it has been submitted by the petitioners that amendment incorporated vide Notification dated 01.09.2023 by the respondent-State Government is not in consonance with the O.M. dated 30.06.2023 issued by the Central Government, hence to the extent of inconsistency with the O.M. dated 30.06.2023, the Notification dated 01.09.2023, is liable to be declared as repugnant and ultra vires.

16. It has been contended by the petitioners that as per OM dated 30.06.2023 NCIC certificate under CIT Scheme is not



mandatorily essential qualification at the time of recruitment on the post of Instructors in ITI. Guidelines laid down in aforesaid O.M. dated 30.06.2023 are flexible enough that even if the candidates are not possessing NCIC certificate, even then they can also be recruited as Junior Instructors with the relaxation that they can acquire such certificate even after appointment within the time prescribed in the condition no.6(iii) of the O.M. dated 30.06.2023.

17. It has been emphatically submitted that despite there being clear guidelines given by the Central Government, the respondent-State Government, while issuing Notification dated 01.09.2023, has omitted the provision of relaxation recommended in O.M. dated 30.06.2023 and instead thereof, possessing NCIC/CITS certificate has been made a mandatory qualification even for submitting application for recruitment. Therefore, the Notification dated 01.09.2023 is in direct conflict with O.M. dated 30.06.2023 and being repugnant, is liable to be declared as ultra-vires.

18. Petitioners have also averred that since the Advertisement dated 11.03.2024 has been issued pursuant to aforesaid ultra-vires Notification dated 01.09.2023, hence, the same is also illegal and is liable to be quashed and set aside.

19. Furthermore, it has also been contended by the petitioners that assuming for a moment that requirement of possessing NCIC/CITS certificate has rightly been prescribed vide Notification dated 01.09.2023, even then looking to the fact that duration of NCIC/CITS course is one year before issuing advertisement under



the amended Rules, there should have been a time gap of more than one year, which could have granted minimum gestation period to the candidates, who were not in possession of the requisite NCIC/CITS certificate but instead of doing so, immediately after incorporating amendment vide Notification dated 01.09.2023, within a period of six months the impugned advertisement has been issued by the respondent-State, which has ultimately deprived the petitioners of having sufficient time even to obtain the requisite certificate, hence, the Advertisement dated 11.03.2024, since issued in hot-haste, is arbitrary and illegal.

20. In addition to above, it has also been submitted by the petitioners that aforesaid O.M. dated 30.06.2023 also provides for undergoing CITS training under RPL (Recognition of Prior Learning), which is a process that formally recognizes and validates the knowledge, skills and competence acquired through learning experience. Such training under RPL can be done even by in service candidates, however, despite such provision and request made by the petitioners, permission has not been granted by the State respondents to undergo such training through RPL, where such certificate could have been acquired only within a period of three months. Thus, the action of the respondents is totally unreasonable and unjustified.

21. On the basis of aforesaid facts, the petitioners prayed for allowing the writ petitions and by quashing the Notification dated 01.09.2023 to the extent of it being repugnant to the O.M. dated



30.06.2023, the State-respondents may be directed to treat the petitioners eligible and to appoint them on the post of Junior Instructors in their respective Trades.

22. In order to oppose the writ petition, reply has been filed by the State Government, which has also been supported by Union of India as well as by Rajasthan Staff Selection Board.

23. It has been contended on behalf of respondents that the writ petitions filed by the petitioners are totally misconceived and misdirected. Impugned Notification dated 01.09.2023 and Advertisement dated 11.03.2024 issued pursuant thereto, are strictly in consonance with the O.M. dated 30.06.2023 issued by the DGT, Ministry of Skill Development and Entrepreneurship.

24. It has been submitted that the State Government is mindful of the guidelines issued by the Central Government in exercise of Article 73 of the Constitution of India in respect of subject matter falling within the ambit of entry 66 of List I schedule VII appended to the Constitution. It has further been submitted that Notification dated 01.09.2023 has although been issued in exercise of powers under proviso to Article 309 of the Constitution in respect of a subject falling within the entry 25 of the List III, yet such notification is nowhere in conflict with the O.M. dated 30.06.2023, hence, no question of repugnancy arises in the matter and there is no illegality, infirmity and unconstitutionally in Notification dated 01.09.2023.

25. It has been contended on behalf of the State Government that the aforesaid Notification dated 01.09.2023 does not tend to



lower down the standard of qualification and training set by the Central Government vide O.M. dated 30.06.2023, nor does it prescribe any qualification inferior or lower to the qualification prescribed by the Central Government, hence, by no stretch of imagination Notification dated 01.09.2023 can be said to be repugnant to the Central Government's O.M. dated 30.06.2023.

26. Furthermore, it has been submitted by the State Government that while incorporating amendment vide Notification dated 01.09.2023 instead of lowering down the benchmark of standard qua qualification laid down by the Central Government, quite evidently the State Government has raised it above the said benchmark hence, the Notification dated 01.09.2023 cannot be said to be against the intent and spirit of the Central Government in maintaining the standard of the qualifications to be held by the Junior Instructors in ITI Colleges.

27. It has been pointed out by the State Government that even the O.M. dated 30.06.2023 issued by the Central Government nowhere exempts the requirement of possessing NCIC/CITS certificate. It has been indicated that as per O.M. dated 30.06.2023 even the candidates possessing Degree/Diploma in Engineering are required to possess such certificate for holding the post of Junior Instructor.

28. It has been submitted that the job of Junior Instructors is to impart education and training to the students in ITI Colleges. Possessing Degree/Diploma in Engineering or NTC/NAC certification may provide proof of acquiring knowledge of the



respective trade, but educating the students even in the same trade requires altogether different skills and technique than holding a degree/Diploma/NTC/NAC, hence, the Ministry of Skill Development, Government of India has mandated for CITS training and possessing NCIC certificates for the post of Junior Instructors. Such mandate of the Central Government has been duly followed by the State Government while incorporating amended qualifications vide Notification dated 01.09.2023.

29. It has also been submitted on behalf of the State Government that the requirement of prescription of CITS for recruitment of Instructors in ITI as a necessary qualification, was initially prescribed by the National Council for Vocational Training (NCVT) through its recommendations, which were duly accepted by the Central Government vide its letter dated 27.05.2014 and 07.01.2016. Hence, it cannot be said by the petitioners that vide O.M. dated 30.06.2023 issued by DGT, first time any recommendation was made with regard to possessing CITS Training for the post of Instructors.

30. By referring judgment of this Court in the case of **Rajveer Singh and Ors. Vs. Union of India and Ors.** (DBCWP No. 12145/2016) decided on 17.01.2017, at Principal Seat, Jodhpur, it has been submitted that earlier one Advertisement dated 16.09.2016 was issued by the State Government for recruitment on the post of ITI Instructors without having requirement of possessing NCIC/CITS certificates. Such Advertisement was challenged before this Court with the contention; that the



guidelines issued by the NCVT and duly accepted by the Central Government would amount to exercise of Executive Power by the Union under Article 73 of the Constitution of India and in view of entry 65 of List-III of the Constitution, such guidelines are required to be followed mandatorily by the State Government, however, without properly amending the Rules and without requiring the necessity of possessing NCIC/CITS certificates, the State initiated process of recruitment. On such challenge made in the aforesaid writ petition No. 12145/2016, this Court held that the Administrative Power of Union under Article 73 extends to matters with respect to which parliament has power to make laws and in non-existence of any legislation by parliament over any subject, instructions/guidelines can be issued by the Central Government. While making such observations, it was held that once the guidelines have been issued by Central Government then the State is bound to follow the same in order to maintain the teaching standard in the educational institutions and accordingly the State Government was directed to issue fresh Advertisement in consonance with the guidelines issued by the Central Government and NCVT.

31. It would be relevant to refer following Paras of the aforesaid judgments in the case of **Rajveer Singh (supra)**:-

"1. The petitioners have challenged validity of advertisement dated 16/09/2016 issued by Rajasthan Subordinate and Ministerial Staff Service Recruitment Board, Jaipur pertaining to recruitment of I.T.I. Instructors allegedly issued in violation of prescribed standards as enunciated by National Council for Vocational Training (NCVT) under Directorate General of Training (DGT), Ministry of Skill Development & Entrepreneurship because of scaling down the necessary qualification.



9. The determination of standards in "technical education", which includes teachers' qualification, fall under Entry 66 in List I in the exclusive domain of the Union, the education including technical education falls within Entry 25 of List III, So long as Central Government had not issued any direction accepting recommendations of the NCVT, it was open to the State Government to prescribe qualification for appointment in Industrial Training Institutes, which are technical institutions. The executive order issued under Article 73, in respect of matters on which parliament has exclusive power to make laws, have the same force as laws made by Parliament. The proviso to Clause (1) of Article 73 shall not, save as expressly provided in the Constitution, or in any law made by parliament, extend in any state to matters with respect to which the Legislature of the State has also power to make laws. The qualifications of teachers of Technical Education are essentially covered within coordination and determination of standards in Institutions and is as such, covered by entry 66 of List I (union list), and not by entry 25 of List III(concurrent list) and the "State Government" explicitly knowing the position, carried out directions of the Central Government by accepting recommendations of NCVT.

11. In view of the above discussions, we are of the considered view that determination of standards in technical institution pertaining to Entry 66 List I of Schedule VII will include laying down the standards for teaching and teaching qualifications, the powers of Central Government, as such under Article 246 to legislate and to issue executive orders on the subject are valid and unimpeachable.

The Administrative Power of the Union under Article 73 extends to matters with respect to which parliament has power to make laws and in non-existence of legislation by parliament, the State may in its executive power deal with matters as enumerated in concurrent list. The exercise of power, however, is subject to provisions of the Constitution. Article 309 provides for regulating the recruitment in conditions of service, for public services on the posts in connection with the affairs of the union or any of the state, until provision in that behalf are made by the legislation and the executive order issued under Article 73, in respect of which, Parliament has got exclusive power to make laws being the same once as laws made by Parliament, so once the guidelines enumerated by the Central Government and subsequently accepted and accorded to by the State regarding "technical education service" shall not be scaled down, overshadowed or diminished.

The teaching standards in all the educational institutions are required to be utmost superior for the betterment of the individuals and State to achieve excellence in every field.

12. Several aspirants possessing required, similar and superior kind of teaching qualification, would gain legitimate expectation for their consideration for appointment, on the teaching posts and in case, the State Government allows the persons having lower qualification to hold the posts, the rights of such aspirants having higher and better teaching qualifications, will be marred and violated, which will obviously be unconstitutional being



discriminatory and violative to their constitutional rights and concept of quality.

The writ petition, challenging the questioned advertisement dated 16/09/2016, is as such, liable to be allowed and the advertisement dated 16/09/2016 relating thereto is consequently quashed.

The respondent State Government is directed to issue fresh advertisement in consonance with the Central Government and NCVT Guidelines. It is also made clear that the aspirants, who were within the age limit on the last date of impugned/questioned advertisement dated 16/09/2016 and who have attained eligibility in the meanwhile, shall also be competent and eligible to apply in coming/prospective recruitment advertisement.

The writ petition stands disposed of in aforesaid terms."

32. Learned Additional Advocate General appearing for the State would submit that in view of the aforesaid judgment of **Rajveer Singh (supra)** as well as guidelines revised by the Central Government vide O.M. dated 30.06.2023, the State Government was under an obligation to amend the recruitment Rules suitably, so as to maintain the standards set by the guidelines framed by the Central Government. Hence, under these circumstances, the Notification dated 01.09.2023 was issued by the respondent-State whereby existing Schedule appended to the Rules of 1975, was substituted and so far as post of Junior Instructor in different trades is concerned, in addition to academic and technical qualification earlier existing in the unamended Schedule, it was prescribed that the aspirants for the aforesaid posts are required to possess relevant National Craft Instructor Certificate (NCIC) in any of the variants under DGT. However, learned AAG clarifies that such additional qualification of NCIC/CITS is only in respect of those trades where courses under CITS are available.



33. Learned AAG also submits that the aforesaid Notification dated 01.09.2023, in no manner whatsoever, intends to scale down the standard of qualification set by the Central Government and he emphasized that the Notification dated 01.09.2023 is strictly in consonance with DGT Notification dated 30.06.2023.

34. Learned AAG submitted that the petitioners are misinterpreting and misconstruing the O.M. dated 30.06.2023 and Notification dated 01.09.2023. O.M. dated 30.06.2023 grants relaxation, if any, only in those cases, where there is non-availability of CITS courses and CITS trained candidates are not available in any of such trade. As such, the Schedule sought to be substituted vide Notification dated 01.09.2023, while prescribing the mandatory requirement of possessing NCIC/CITS certificates, has duly taken care of the fact that such requirement is mandatory only for those trades where courses under CITS are available. Hence, as per the State Government, there is no repugnancy between the aforesaid OM dated 30.06.2023 and Notification dated 01.09.2023.

35. Learned AAG further submits that the Advertisement dated 11.03.2024 is also strictly in compliance with the guidelines of Central Government as well as amended Schedule vide Notification dated 01.09.2023.

36. It has been submitted that while framing the Rules, the infrastructure with regard to imparting CITS courses in the State as well as availability of sufficient number of candidates possessing NCIC/CITS certificate has also been taken care of. It



has also been submitted that since there are sufficient number of candidates in the State of Rajasthan, who are possessing the aforesaid NCIC/CITS certificate, therefore, pursuant to aforesaid Advertisement dated 11.03.2024, around 13 times to the number of posts advertised, the respondents have received applications from CITS trained candidates. Details with regard to Institutes of Training Centres providing CITS Training, number of candidates who have passed such courses as well as details of applications received from CITS trained candidates pursuant to impugned Notification have also been given in the reply to the writ petitions. Relevant part of the reply to writ petition is being reproduced as under :-

"The CITS programme provides comprehensive training both in Skills and Training Methodology to the candidates who have applied to become instructors / trainers in ITI's. Brief relevant facts about CITS -

There are 33 Central Institutes which are imparting CITS Courses of which two Central Government Institutes are NSTI, Jodhpur and NSTI (W), Jaipur in SAJJAN KUMAR MEHTA OATH COMM SSIONER RAJASTHAN HIGH/COURT BENCH JAIPUR 361 the State of Rajasthan. Besides this there are 122 Institutes Of Training Of Trainers(ITOT's) in the Country out of which 31 are institutes controlled and managed by Govt. of Rajasthan. The Director General of Training (DGT) also maintains a CITS Dashboard providing details of number of candidates registered in a particular year, number of candidates who appeared in the examination and total number of passed candidates in the given session. Yearwise detail from Session 15-16 till Session 2022-23 are submitted here as under:-

Session	Total Passed
August 2015-16	4664
February 2016-17	499
August 2016-17	4502
August 2017-18	5766
August 2018-19	7966
August 2019-20	8391
August 2020-21	9185
August 2021-22	8142



August 2022-23	8138
Total	57253

It is further submitted that the figures for the Session 2023-24 are not available on the website of the DGT, therefore same have not been incorporated, however considering previous five years even on average 8000 candidates are considered in the Session 2023-24 then almost 6500 candidates are there possessing CITS certificates. In furtherance of the above it is also submitted that there are 33 Government Institutes for training of trainers (ITOTs) in the State of Rajasthan in Academic Session 2022-23, 1216 candidates have passed, in the Academic Session 2023-24, 1255 candidates have passed the examination.

As far as the present selection process is concerned, in total 16 CITS trades have been advertised out of which except the trade of Solar Technician which is at Serial No. 10, candidates with CITS certificates who have applied in the recruitment process initiated by RSSB vide Advertisement No. 08/2024 and 09/2024 of which details are submitted here as under:-

“विभाग द्वारा अधिनस्थ चयन बोर्ड के माध्यम से जारी विज्ञापन संख्या 08/2024 एवं 09/2024 में आवेदन किए गए अभ्यर्थियों एवं उसमें सीआईटीएस योग्यताधारी अभ्यर्थियों को व्यवसायवार विवरण निम्नानुसार है:-

क्रम संख्या	व्यवसाय / विषय	विज्ञापित पद	कुल आवेदक	सीआईटीएस योग्यताधारी आवेदक
1.	Computer Operator and Programming Assistant	217	2048	2048
2.	Cosmetology	43	448	448
3.	Draftsman Civil	38	608	608
4.	Electrician	348	4739	4739
5.	Electronics Mechanic	76	827	827
6.	Information and Communication Technolgy System Maintenance	47	550	550
7.	Mechanical Diesel	199	1015	1015
8.	Mechanical Motor Vehicle	71	640	640
9.	Plumber	58	905	905
10.	Refrigeration and Air Conditioner Technician	134	1112	1112
11.	Sewing Technolgy	40	507	507
12.	Solar Technician Electrical	36	2330	1490
13.	Turner	42	927	927
14.	Welder	139	1628	1628
15.	Wireman	90	2487	2487
16.	Fitter	243	3389	3389



17.	Computer Lab/I.T. Lab	202	1589	1589
18.	Employability Skills	158	1203	0
19.	Engineering Drawing	100	2940	2940
20.	Workshop Calculation and Science	219	5350	5350
	Total	2500	35242	33100

From the above it is clear that on an average number of applications received from the CITS Trained Candidates is 13 times to the number of posts advertised which clearly shows that there is no requirement for the State Government to relax the mandatory qualification of CITS certificate in the recruitment initiated vide advertisement dated 11.03.2024."

37. Details given hereinabove would reveal that except trade of 'Solar Technician', in all other trades, more than sufficient number of applicants, possessing CITS certificate, have applied pursuant to the Advertisement.

38. While referring Annexure R/2/2 issued by the Department of Skill, Employment and Entrepreneurship, Jodhpur, it has been pointed out by learned AAG that since sufficient number of applications from CITS trained candidates were not received, therefore, in accordance with Notification dated 01.09.2023 and DGT O.M. dated 30.06.2023, relaxation has been granted for the aforesaid trade of 'Solar Technician' and the candidates relating to aforesaid trades have been exempted from possessing CITS/NCIC certificates.

39. While pointing out the aforesaid details, learned AAG would submit that the State is well considerate that in case, in a particular trade CITS certificate holders are not available for any reason whatsoever then while making recruitment, who are the subject trade, relaxation shall be granted and the requirement of possessing CITS certificate would be exempted in the light of O.M.



dated 30.06.2023. However, such exemption would not be permanent and even after selection/appointment, the selected candidate shall be required to undergo such training soon after availability of such course in the State. Thus, action of the State cannot be said to be arbitrary or contrary to the guidelines issued vide O.M. dated 30.06.2023.

40. Learned AAG has also submitted that scope of judicial review under Article 226 of the Constitution of India in the matter of prescription of qualification is very very limited and in the light of facts of the instant case, no interference is called for in the instant writ petition. Hence, he prayed for dismissing the writ petition.

41. Learned AAG relied upon the judgment delivered by Hon'ble Supreme Court in the case of **Preeti Srivastava Vs. State of M.P. & Ors.** reported in **(1999) 7 SCC 120**, **State of T.N. and Anr. Vs. S.V. Bratheep (Minor) and Ors.** reported in **(2004) 4 SCC 513**, **Visveswaraiah Technological Universities & Ors. Vs. Krishnendu Halder & Ors.** reported in **(2011) 4 SCC 606**, **Ram Krishna Dalmia Vs. Justice Tendolkar** reported in **1958 SCC OnLine SC 6**, **Namit Sharma Vs. Union of India** reported in **(2013) 1 SCC 745**, **Chief Manager Punjab National Bank & Anr. Vs. Anit Kumar Das** reported in **(2021) 12 SCC 80**, **Zahoor Ahmad Rather & Ors. Vs. Sheik Imtiaz Ahmad and ors.** reported in **(2019) 2 SCC 404** and judgment delivered by this Court in the case of **Bhikam Chand Vs. State of Rajasthan & Ors. (D.B.C.W.P. No. 737/2023)**.



42. We have considered the record of the writ petitions and carefully heard the arguments raised at bar by both the sides.

43. Neat question of law involved in the above writ petitions for consideration of this Court is as to whether Notification dated 01.09.2023 issued by the State Government in exercise of powers under Proviso to Rule 309 of the Constitution while invoking entry No.26 of List III, can be said to be ultra-vires or repugnant to O.M. dated 30.06.2023 issued by Directorate General of Training, Ministry of Skill Development and Entrepreneurship, Government of Rajasthan, issued in exercise of powers under Article 73 of the Constitution of India; or not?

44. It is a settled proposition of law that onus to prove that the State law is repugnant to the Central law would be on the person attacking the validity of State law. Needless to state that repugnancy has to be in fact and not based upon mere possibilities.

45. We find that as per entry 25 of concurrent List (List III), the State Government can also frame laws relating to education including technical education, however, such power is subject to provisions of entry 63 to 66 of List-I (General List). Thus, it is clear that the State Government is well competent to frame laws with regard to technical education in the State, hence, the Notification dated 01.09.2023 cannot be said to be *ultra vires* Constitution of India as there is no question of lack of competence on the part of the State in view of entry 25 of List III.



46. While examining entry 66 of the List-I of Schedule VII appended to the Constitution of India, we are satisfied that the Central Government is also competent to enact laws with regard to coordination and determination of standards in institutions for higher education and technical institutions.

47. On a conjoint reading of the entry 66 of List I and entry 25 of List III, there cannot be any doubt whatsoever that although the State has a wide legislative field to cover under entry 25 of List III, however, the same is subject to entry 63 to 66 of List I. Thus, it can be said that any State legislation and Central legislation, if touching the same subject covering in the aforesaid different entries of concurrent list and union list, there cannot be any inconsistency between such laws and in case there is any conflict between the Central Law and the State law, to the extent of such conflict, the State law can be said to be repugnant and void. However, in case, the State legislation does not entrench upon the legislative field set apart by entry 66 of List I, the State law cannot be invalidated.

48. It is also a settled proposition of law that there ought to be a presumption in favour of the validity of the legislation and every attempt should be made to reconcile between State law and Central Law and construe both in a manner so as to avoid any possibility of repugnance between such laws.

49. On analysis of aforesaid constitutional provisions, we find that State law may be repugnant in following ways:-



(i) when there is a direct conflict between the Central Law and State Law

(ii) where cannot be obeyed without disobeying the other.

50. In this regard, it would be relevant to refer that in the case of **Govt. Of A.P. and Anr. Vs. J.B. Educational Society and Anr.** reported in **(2005) 3 SCC 212**, the Hon'ble Supreme Court has held as under:-

"15. This Court in M. Karunanidhi v. Union of India para 23, held thus:

"24. It is well settled that the presumption is always in favour of the constitutionality of a Statute and the onus lies on the person assailing the Act to prove that it is unconstitutional Prima facie, there does not appear to us to be any inconsistency between the State Act and the Central Acts. Before any repugnancy can arise, the following conditions must be satisfied:

- 1. That there is a clear and direct inconsistency between the Central Act and the State Act.*
- 2. That such and inconsistency is absolutely irreconcilable.*
- 3. That the inconsistency between the provisions of the two Acts is of such a nature as to bring the two Acts into direct collision with each other and a situation is reached where it is impossible to obey the one without disobeying the other."*

This Court also referred to the earlier decisions including Deep Chand v. State of U.P., wherein various tests to ascertain the question of repugnancy between the two statutes were indicated and, inter alia, it was held that repugnancy between two statutes may be ascertained by considering, whether Parliament intended to lay down an exhaustive code in respect of the subject matter replacing the Act of the State Legislature. Reference was made to Megh Rai v. Allah Rakhia, AIR 1942 FC 27, wherein it was observed that if the paramount legislation does not purport to be exhaustive or unqualified, there is no inconsistency and it cannot be said that any qualification or restriction introduced by another law is -repugnant to the provision in the main or paramount law. This court also referred to T.S. Baliah v. T.S. Rangacharim wherein it was, inter alia, observed that before coming to the conclusion that there is a repeal by implication, the court must be satisfied that the two enactments are so inconsistent that it becomes impossible for them to stand together."



51. In the light of the aforesaid principles, we have also examined O.M. dated 30.06.2023 issued by the Central Government as well as Notification dated 01.09.2023. It is a matter of record that there is no Central Act enacted by the Parliament laying down any qualification for the post of Instructor in ITI Institutions. In absence of any Central Act, in exercise of powers under Article 73 of the Constitution of India, the Ministry of Skill Development and Entrepreneurship has issued O.M. dated 30.06.2023 mandating prescription of qualification for the post of Instructor in ITI Institutions.

52. Fair reading of aforesaid O.M. dated 30.06.2023 would also reveal that the instructions issued by the O.M. dated 30.06.2023 are not the original guidelines. The necessity to issue O.M. dated 30.06.2023 is apparent from bare perusal of Office Memorandum itself, which states that the instructions pertaining to mandating CITS as an essential qualification for the vocational Instructor in ITI were already there, however, on number of representations received from the State Government/UTs and other stakeholders, such earlier existing instructions were revisited. It would also reveal by O.M. dated 30.06.2023 that representations were submitted by such State Government/UTs, where there was non-availability of CITS courses and CITS trained candidates in several trades.

53. It would also come out from O.M. dated 30.06.2023 that on receiving representations, a working group was formed by the Central Government to deliberate on the issue and to provide



actionable suggestions so as to implement the mandatory CITS qualification while ensuring availability of training across of Trades. It is also apparent that recommendations of experts were received by DGT and it was found that such issue has arisen only on account of non-availability of CITS courses/CITS trainings in many trades. Figures have been given that there are total 152 CTS trades, out of which CITS courses have been approved only for 55 CTS trades. In order to ensure availability of trainers across of the trades, after examining the curriculum of difference trades, mapping has been done by the Central Government whereby aforesaid 55 approved CITS courses have been mapped to 82 CTS trades. After such mapping, it has been observed that it cannot be said that CITS trained candidates for all the CTS trades Centres are not there.

54. In clause 6 of O.M. dated 30.06.2023, it has been made clear that possessing CITS/NCIC certificate is mandatory for all the candidates aspiring for the post of Inspector in different trades. Clause 6(i) takes care of the situation where CITS qualified candidates are not available either due to the non-existence of CITS course or non-receipt of sufficient number of application from any CITS qualified candidates, and therefore, it has been recommended that in the aforesaid eventualities candidates with relevant Technical Qualification may be recruited without requiring them possession of CITS qualification at the time of recruitment. Even such qualification has been mandated for the candidates having Degree/Diploma in relevant stream; and it has been made clear that preference shall be given to such candidates having



CITS certificate in addition to Degree/Diploma over the candidates possessing simple Degree/Diploma.

55. Sub-clause (ii) and (iii) of Clause 6 of O.M. dated 30.06.2023, would further make it clear that mere selection of the candidate, not possessing CITS qualification at the time of recruitment on account of non-availability of the course/eligible candidates, would not exempt possession of such qualification for all times to come. It has been rather mandated that even after selection the candidates are required to possess CITS qualification within the period prescribed in aforesaid clauses either in regular manner or through RPL.

56. Thus, after meticulous analysis of O.M. dated 30.06.2023, it would come out that possessing NCIC/CITS certificate is an essential qualification for recruitment on the post of Instructor in ITI. The relaxation to possess such qualification even after selection is also not applicable in all the cases and a rider has been put that such relaxation of possessing qualification during service can be given only in the cases where CITS courses and CITS trained candidates in a particular trade are not available.

57. In the light of above, we have scanned the impugned Notification dated 01.09.2023 issued by the respondent-State in exercise of its Rule making power under proviso under Article 309 of the Constitution of India, whereby the existing Schedule appended to Rules of 1975 was substituted and by way of such substitution, for recruitment on the post of Junior Instructor in different trades, apart from academic and technical qualifications



earlier existed in the Rules of 1975, requirement of possessing relevant NCIC/CITS certificate in any of the variants under DGT has been inserted. However, while making such insertion, it has been clarified that such requirement of possessing NCIC/CITS certificate is only for those trades where courses under CITS are available.

58. Thus, it can be safely said that bare reading of the provisions of amended Schedule vide Notification dated 01.09.2023 would make it clear that prescribing new requirement of possessing of NCIC/CITS certificate is not mandatory in all the cases and an exception has been carved out for the contingencies where courses under CITS are not available and in such contingency such requirement shall stand exempted.

59. Now, if we compare the O.M. dated 30.06.2023 with Notification dated 01.09.2023, no apparent and manifest repugnance comes out between the provisions of aforesaid documents. As stated hereinabove, both the Central as well as State provisions make it incumbent and mandatory for a candidate applying against the post of ITC Instructor, to possess the NCIC/CITS certificate. Both the aforesaid O.M. dated 30.06.2023 also make it clear that such requirement is essential and necessary only for the trades where courses under CITS are available. Thus, we find no inconsistency or conflict of any kind whatsoever between O.M. dated 30.06.2023 and 01.09.2023. Hence, by no stretch of imagination, Notification dated 01.09.2023 can be said to be repugnant to O.M. dated 30.06.2023. Plea raised



by the petitioner in this regard is totally baseless, unfounded and misconceived; and is hereby rejected.

60. We have examined the aforesaid O.M. dated 30.06.2023 and Notification from one another angle that as to whether the Notification dated 01.09.2023 laying amendment in the Schedule tends to scale down the standard set by the guidelines issued by the Central Government or not. Assuming for a moment, in case, a conclusion can be drawn that the State Notification dated 01.09.2023 does not, in any manner, relax the qualification of possessing NCIC/CTIS certificate ignoring that such relaxation can be granted as per O.M. dated 30.06.2023 issued by the Central Government, even then such conclusion in no manner would lead to a situation where the standard set by the Central Government has been intended to be lowered down by the State Government.

61. Admittedly, qualification prescribed vide Notification dated 01.09.2023 is nowhere inferior or lower to the qualification prescribed in DGT O.M. dated 30.06.2023. Thus, we find that the stand taken by the State Government is absolutely correct and justified that the State Government has no intention to prescribe any scaled down or inferior qualification than the qualification prescribed by the Central Government. Rather the standard set by the State Government in amended Rules are higher than those specified in Central Guidelines.

62. In the light of above also, it can safely be held that the Notification dated 01.09.2023 is not overreaching the O.M. dated



30.06.2023 in order to diminish the benchmark of standard set by the Central Government.

63. In the case of **Preeti Srivastava (supra)** the Hon'ble Supreme Court has observed in the following manner:-



"35. The legislative competence of the Parliament and the legislatures of the States to make laws under Article 246 is regulated by the VIIth Schedule to the Constitution. In the VIIth Schedule as originally in force. Entry 11 of List-II gave to the States an exclusive power to legislate on "education including universities subject to the provisions of entries 63, 64, 65 and 66 of List-I and Entry 25 of List-III".

Entry 11 of List-II was deleted and Entry 25 of List-III was amended with effect from 3-1-1976 as a result of the Constitution 42nd Amendment Act of 1976. The present Entry 25 in the Concurrent List is as follows:

"25. Education, including technical education, medical education and universities, subject to the provisions of entries 63, 64, 65 and 66 list-I: vocational and technical training of labour."

Entry 25 is subject, inter alia, to Entry 66 of List-I. Entry 66 of List-I is as follows:

"66. Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions. Both the Union as well as the States have the power to legislate on education including medical education, subject, inter alia, to Entry 66 of List-I which deals with laying down standards in institutions for higher education or research and scientific and technical institutions as also co-ordination of such standards. A State has, therefore, the right to control education including medical education so long as the field is not occupied by any Union Legislation. Secondly, the State cannot, while controlling education in the State, impinge on standards in intuitions for higher education. Because this is exclusively within the purview of the Union Government. Therefore, while prescribing the criteria for admission to the institutions for higher education including higher medical education, the State cannot adversely affect the standards laid down by the Union of India under Entry 66 of List-I. Secondly, while considering the cases on the subject it is also necessary to remember that from 1977 education including, inter alia, medical and university education, is now in the Concurrent List so that the Union can legislate on admission criteria also. If it does so, the State will not be able to legislate in this field, except as provided in Article 254.

36. It would not be correct to say that the norms for admission have no connection with the standard of education, or that the rules for admission are covered only by Entry 25 of List-III.



Norms of admission can have a direct impact on the standards of education. Of course, there can be rules for admission which are consistent with or do not affect adversely the standards of education prescribed by the Union in exercise of powers under Entry 66 of List-I. For example, a State may, for admission to the post-graduate medical courses, lay down qualifications in addition to those prescribed under Entry 66 of List-I. This would be consistent with promoting higher standards for admission to the higher educational courses. But any lowering of the norms laid down can, and do have an adverse affect on the standards of education in the institutes of higher education.....

39. The respondents have emphasised the observation that admission has to be made by those who are in control of the colleges. But, the question is on what basis? Admissions must be made on a basis which is consistent with the standards laid own by a statute or regulation framed by the Central Government in the exercise of its powers under Entry 66, List-I. At times, in some of the judgments, the words "eligibility" and "qualification" have been used interchangeably, and in some cases a distinction has been made between' the two words ("eligibility" connoting the minimum criteria for selection that may be laid down by the University Act or any Central Statue, while "qualifications" connoting the additional norms laid down by the colleges or by the State. In every case the minimum standards as laid down by the Central Statute or under it, have to be complied with by the State while making admissions. It may, in addition, lay down other additional norms for admission or regulate admissions in the exercise of its powers under Entry 25, List-III in a manner not inconsistent with or in a manner which does not dilute the criteria so laid down.

.....Of course, once the minimum standards are laid down by the authority having the power to do so, any further qualifications laid down by the State which will lead to the selection of better students cannot be challenged on the ground that it is contrary to what has been laid down by the authority concerned. But the action of the State is valid because it does not adversely impinge on the standards prescribed by the appropriate authority....."

64. Similarly, in the case of **State of T.N. and Anr. (supra)**, the Hon'ble Supreme Court has observed as under:-

"9. Entry 25 of List III and Entry 66 of List I have to be read together and it cannot be read in such a manner as to form an exclusivity in the matter of admission but if certain prescription of standards have been made pursuant to Entry 66 of List I, then those standards will prevail over the standards fixed by the State in exercise of powers under Entry 25 of List III insofar as they adversely affect the standards laid down by the Union of India or any other authority functioning under it. therefore, what is to be seen in the present case is whether the prescription of the standards made by the State Government is in any way adverse to, or lower than, the standards fixed by the AICTE, It is no



doubt true that the AICTE prescribed two modes of admission - One is merely dependent on the qualifying examination and the other dependent upon the marks obtained at the Common Entrance Test. The appellant in the present case prescribed the qualification of having secured certain percentage of marks in the related subjects which is higher than the minimum in the qualifying examination in order to be eligible for admission. If higher minimum is prescribed by the State Government than what had been prescribed by the AICTE, can it be said that it is in any manner adverse to the standards fixed by the AICTE or reduces the standard fixed by it? In our opinion, it does not. On the other hand, if we proceed on the basis that the norms fixed by the AICTE would allow admission only on the basis of the marks obtained in the qualifying examination the additional test made applicable is the common entrance test by the State Government. If we proceed to take the standard fixed by the AICTE to be the common entrance test then the prescription made by the State Government of having obtained certain marks higher than the minimum in the qualifying examination in order to be eligible to participate in the common entrance test is in addition to the common entrance test. In either event, the streams proposed by the AICTE are not belittled in any manner. The manner in which the High Court has proceeded is that what has been prescribed by the AICTE is inexorable and that that minimum alone should be taken into consideration and no other standard could be fixed even the higher as stated by this Court in Dr. Preeti Srivastava's case. It is no doubt true as noticed by this Court in Adhiyaman's case that there may be situations when a large number of seats may fall vacant on account of the higher standards fixed. The standards fixed should always be realistic which are attainable and are within the reach of the candidates. It cannot be said that the prescriptions by the State Government in addition to those of AICTE in the present case are such which are not attainable or which are not within the reach of the candidates who seek admission for engineering colleges. It is not very high percentage of marks that has been prescribed as minimum of 60% downwards, but definitely higher than the mere pass marks. Excellence in higher education is always insisted upon by series of decisions of this Court including Dr. Preeti Srivastava's case. If higher minimum marks have been prescribed, it would certainly add to the excellence in the matter of admission of the students in higher education.

10. Argument advanced on behalf of the respondents is that the purpose of fixing norms by the AICTE is to ensure uniformity with extended access of educational opportunity and such norms should not be tinkered with by the State in any manner. We are afraid, this argument ignores the view taken by this Court in several decisions including Dr. Preeti Srivastava's case that the State can always fix a further qualification or additional qualification to what has been prescribed by the AICTE and that proposition is indisputable. The mere fact that there are vacancies in the colleges would not be a matter, which would go into the question of fixing the standard of education. therefore, it is difficult to subscribe to the view that once they are qualified



under the criteria fixed by the AICTE they should be admitted even if they fall short of the criteria prescribed by the State. The scope of the relative entries in the Seventh Schedule to the Constitution have to be understood in the manner as stated in the Dr. Preeti Srivastava's case and, therefore, we need not further elaborate in this case or consider arguments to the contrary such as application of occupied theory no power could be exercised under Entry 25 of List III as they would not arise for consideration."

65. Similar view has also been taken by the Hon'ble Supreme Court in the case of **Tamil Nadu Medical Officers Association and Ors. Vs. Union of India (UOI) and Ors.** reported in **(2021) 6 SCC 568** and in the case of **Sudhir N. Vs. State of Kerala** reported in **(2015) 6 SCC 685**.

66. The State Government has succeeded by way of placing the sufficient data of record to show that sufficient number of eligible candidates are already there in respect of all the trades, for which Advertisement has been issued, except for the trade of 'Solar Technician', therefore, either in view of the Notification dated 01.09.2023 or O.M. dated 30.06.2023, there was any requirement whatsoever to relax the qualification of possessing NCIC/CITS certificate for such State. So far as trade of 'Solar Technician', it has been stated in the reply that necessary relaxation has already been given.

67. Merely, for the reason that Schedule sought to be substituted vide Notification dated 01.09.2023 is silent in respect of manner of relaxation to be granted qua possessing NCIC/CITS certificate, even for the trades where CITS courses are not available, would not invalidate the Notification dated 01.09.2023 for the reason that it goes without saying that O.M. dated 30.06.2023 issued by the Central Government would govern the field, where the State



Rules are silent. More so, learned AAG, on instructions, on behalf of the State, has undertaken that the State would also grant relaxation, whenever required, to the candidates where CITS courses are not available for a particular trade or eligible candidates are not otherwise available.

68. Thus, it is abundantly clear that where there are two different Rules/guidelines prescribed by the State Government and the Central Government in respect of same field governing the standard of education in the Technical institutions. It is trite law that the State cannot allow any candidate to be appointed for imparting education in such institutions, who does not possess the minimum eligibility or qualification prescribed by the Central Government. However, in order to maintain the higher standard of the institutions, the State Government is well within its rights to prescribe additional or higher qualification/eligibility criteria. While doing so, even if despite having sufficient number of applicants possessing such higher qualification/eligibility, in case any of the post remains vacant after completion of selection process, even then the Rules prescribing higher standard of qualification or eligibility criteria laid down by the State Government cannot be held arbitrary; and the candidates, who do not possess such additional/higher qualification, cannot claim that they should be given appointment against the vacancies remained unfilled on account of non-selection of the candidates possessing such additional or higher qualification prescribed by the State Government.



69. In this regard, it would be relevant to refer judgment of **Visveswaraiah Technological Universities & Ors. (supra)** in which Hon'ble Supreme Court has held as under:-

"4. Consequently the University Regulations governing BE/B. Tech degree courses were amended and the amended Regulations are extracted below:

O.B.2.1 Admission to first year, first semester bachelor degree in Engineering/Technology shall be open for the candidates who have passed the second year Pre-University or XII Standard or equivalent examination recognized by the University.

O.B.2.2 In addition to O.B. 2.1, the candidate shall have secured not less than forty five percent (45%) marks in the aggregate with Physics and Mathematics as compulsory subjects, along with one of the following subjects: Chemistry, Bio-Technology, Computer Science, Biology and Electronics.

Provided that, the minimum marks for the purpose of eligibility shall be forty percent (40%) in optional subjects in case of candidates belonging to SC/ST and OBC.

Provided that, the candidate shall have studied and passed English as one of the subjects."

Thus the University fixed a marginally higher eligibility criteria, that is 40; for candidates belonging to schedule castes and schedule tribes and 45% for others, as against 35% and 40% respectively suggested by the AICTE norms.

6. The respective first Respondent in these two appeals secured marks which were more than what was prescribed by AICTE norms, but less than what was prescribed by the University Regulations. They were admitted to the Bachelor of Engineering Course during the academic year 2007-2008 by second Respondent college in C.A. No. 1947/2011 and third Respondent college in C.A. No. 1948/2011 under the management quota. When the list of admissions were submitted by the said colleges to the University for approval of admissions, the University refused to approve their admissions on the ground that they had secured less than the minimum percentage required for being eligible to admissions. Feeling aggrieved, the two students filed writ petitions before the High Court for quashing the communications of the University refusing to approve their admission, to treat them as eligible for prosecuting the B.E course and to approve their admission and permit them to participate in the examinations conducted by the University. They also sought a declaration that AICTE norms prescribing eligibility criteria alone would govern admissions to B.E. course and the Rules and Regulations of the State and the University, in so far as they were contrary to



AICTE Regulations were unconstitutional, unenforceable and inapplicable.

8. The Division Bench directed that every year, the University should take into consideration, the standards it has fixed as also the standards fixed by AICTE in regard to eligibility criteria, and keeping in view the number of seats that may remain unfilled/vacant during that year, extend benefit to the students who fulfill the conditions mentioned in para 41(v) and (vi) of the decision in *Adhiyaman*, by voluntarily relaxing/lowering its standards without driving the students to approach the courts for getting reliefs in terms of *Adhiyaman*. The Division Bench also held that having regard to the decision in *Adhiyaman*, students who are similarly situated to the writ Petitioners, should also be given benefit by approval of their admissions without driving them to court. The Division Bench directed the University to approve the admissions of the two writ petitions as they fulfilled eligibility criteria fixed by AICTE.

14. The Respondents (colleges and the students) submitted that in that particular year (2007-2008) nearly 5000 engineering seats remained unfilled. They contended that whenever a large number of seats remained unfilled, on account of non-availability of adequate candidates, para 41(v) and (vi) of *Adhiyaman* would come into play and automatically the lower minimum standards prescribed by AICTE alone would apply. This contention is liable to be rejected in view of the principles laid down in the Constitution Bench decision in *Dr. Preeti Srivastava* and the decision of the larger Bench in *S.V. Bratheep* which explains the observations in *Adhiyaman* in the correct perspective. We summaries below the position, emerging from these decisions:

(i) While prescribing the eligibility criteria for admission to institutions of higher education, the State/University cannot adversely affect the standards laid down by the Central Body/AICTE. The term 'adversely affect the standards' refers to lowering of the norms laid down by Central Body/AICTE. Prescribing higher standards for admission by laying down qualifications in addition to or higher than those prescribed by AICTE, consistent with the object of promoting higher standards and excellence in higher education, will not be considered as adversely affecting the standards laid down by the Central Body/AICTE.

(ii) The observation in para 41(vi) of *Adhiyaman* to the effect that where seats remain unfilled, the state authorities cannot deny admission to any student satisfying the minimum standards laid down by AICTE, even though he is not qualified according to its standards, is not good law.

(iii) The fact that there are unfilled seats in a particular year, does not mean that in that year, the eligibility criteria fixed by the State/University would cease to apply



or that the minimum eligibility criteria suggested by AICTE alone would apply. Unless and until the State or the University chooses to modify the eligibility criteria fixed by them, they will continue to apply in spite of the fact that there are vacancies or unfilled seats in any year. The main object of prescribing eligibility criteria is not to ensure that all seats in colleges are filled, but to ensure that excellence in standards of higher education is maintained.

(iv) The State/University (as also AICTE) should periodically (at such intervals as they deem fit) review the prescription of eligibility criteria for admissions, keeping in balance, the need to maintain excellence and high standard in higher education on the one hand, and the need to maintain a healthy ratio between the total number of seats available in the state and the number of students seeking admission, on the other. If necessary, they may revise the eligibility criteria so as to continue excellence in education and at the same time being realistic about the attainable standards of marks in the qualifying examinations."

70. Thus, the petitioners have utterly failed to establish that Notification dated 01.09.2023 issued by the State Government in order to amend the Rules is either ultra vires to the Constitution of India or is suffering from any lack of competence on the part of Rule making authority or even is in conflict with O.M. dated 30.06.2023 in any manner. On the basis of above discussion, it is also clear that the Notification dated 01.09.2023 is also not repugnant to O.M. dated 30.06.2023. The petitioners are also unable to point out any manifest, arbitrariness, or violation of Article 14 of the Constitution of India.

71. While pressing the writ petitions, it was also submitted by learned Counsel for the petitioners that subsequent to notification dated 01.09. 2023, sufficient gestation period was not given to the petitioners to acquire the requisite certificates of NCIC/CITS either in regular manner or through RPL; and immediately advertisement date 11.03.2024 was issued by the respondent Board. Hence, the



petitioners have been deprived of fair opportunity to participate in the recruitment process. In this regard, we may observe that validity of the Rule cannot be examined by keeping into account any peculiar conditions of particular persons. It is settled that Rules are framed in generality by keeping in mind interest of entire class as a whole. Looking to the number of eligible candidates, already possessing the requisite qualification, which are around 13 times of the number of advertise vacancies, it cannot be said that amended rules vide notification dated 01.09.2023 or the impugned advertisement are either arbitrary, unjustified or even against the larger interest of the candidates falling within zone of consideration. Hence, no interference can be sought by the petitioners on the aforementioned grounds.

72. Under these circumstances, prayers made by the petitioners in these writ petitions are outside the scope of judicial review under Article 226 of the Constitution of India and deserve to be dismissed.

73. We also find that the Advertisement dated 11.03.2024 has also been issued strictly in accordance with the provision of Rules and there is no apparent infirmity or illegality in such Advertisement.

74. Consequently, these writ petitions stand dismissed.

75. The respondents are at liberty to proceed with the recruitment process pursuant to Advertisement dated 11.03.2024 or any other similar Advertisement.



76. Stay applications and all other pending applications, if any, also stand disposed of.

77. A copy of this order be placed in each of the file.

(ANAND SHARMA),J

(INDERJEET SINGH),J

pcg/181-194(s)

