

Central Administrative Tribunal  
Madras Bench

Tuesday, the 13<sup>th</sup> day of July, 2010.

Present: Hon'ble Mr. M. Kanthaiah, Judicial Member  
and  
Hon'ble Mrs. O.P. Sosamma, Administrative Member.

OA No.1233 of 2009

A. Kannan ..... Applicant

-Vs-

Union of India Rep. by

1. Secretary

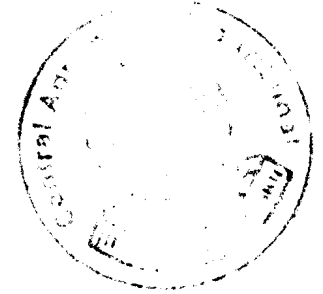
Ministry of Labour and Employment  
New Delhi

2. The Chairman cum Managing Director  
BSNL Corporate Office  
Bharath Sachar Bhavan  
Harish Chandra Mathyu Lane  
Janpath, New Delhi-110 001

3. General Manager(Personnel)  
BSNL Corporate Office  
R.No.221 2<sup>nd</sup> Floor  
Eastern Court  
Janpath, New Delhi-110 001

4. The General Manager(Recruitment)  
Corporate Office Eastern Court Janpath,  
New Delhi-110 001

5. Chief Liaison Officer  
(SCT) BSNL Corporate Office  
R.No.221, 2<sup>nd</sup> Floor Eastern Court  
Janpath  
New Delhi-110 001



..... Respondents

Mr. R. Rajeshkumar ..... Counsel for Applicant

Mr. B. Mohan ..... Counsel for Respondents 2-5

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**Order:Pronounced by the Hon'ble Mr. M. Kanthaiah, Judicial Member.**

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The applicant has filed this OA with a prayer to issue direction to the respondents to impart Pre-recruitment Training to SC/ST candidates before conducting examination for Management Trainee(MT) in BSNL notified by notification bearing Ref.No.2-2/2009 in all direct recruitment and internal promotion examination on the ground that it is the duty and responsibility of the respondents(BSNL) to provide such training to SC/ST candidates so as to enable them to equate themselves to compete with other candidates and they have miserably failed to provide such training and further not following the guidelines of the first respondent and also constitutional provisions.

2 The respondents 2 to 5 have filed reply stating that the present recruitment relating to Management Trainees Executive Grade equivalent to Group A level post, for the first time and their organisation has no policy/ guidelines of Department of Public Enterprise (DPE)/ Department of Personnel & Training (DoP&T) for imparting pre-recruitment training to SC/ST candidates in Group "A" direct recruitment and therefore no provision has been made for the same in Management Trainees Recruitment Rules and thus they denied the claim of the applicant.

3 Heard both sides.

4 The point that arises for consideration is whether the applicant is entitled for the relief as prayed for.

5 The brief facts of the case are that the applicant is working as Sub Divisional Engineer in BSNL and he belongs to SC. The 4<sup>th</sup> respondent has issued a notification bearing No.2-2/2009 dated 14.10.2009 calling candidates for the examination for the post of Management Trainee(MT) in BSNL which is a combined selection for external and internal candidates. Page 16 of the OA is the copy of the said notification dated 14.10.2009 for filling up of 300 vacancies of MT under open quota, reserving some of the

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vacancies for SC/ST quota. Based on the said notification the applicant has applied for the said examination. Admittedly the said notification does not contain in respect of imparting pre Training for SC/ST candidates before conducting the examination.

6 It is also not in dispute that the 5<sup>th</sup> respondent has sent a letter to all Heads of Telecom Circles/Districts bearing reference No.16-8/2006-SCT/257 and another letter bearing No.45-1-2006-SCT/541 dated 16.11.2009(page No.51 of OA) wherein it has been specifically requested all the Heads of Telecom Circles to make necessary arrangements for imparting pre recruitment training for SC/ST candidates appearing in various examination ie Direct Recruitment and Promotions examinations. The applicant also filed notifications of some of the public Sector undertaking, Reserve Bank of India (page No.21), Industrial Development Bank of India(IDBI), Rashtriya Chemical and Fertilizer Ltd and Export Credit Guarantee of India Ltd where special provision are made for arranging pre recruitment training to SC/ST candidates in the respective notification for examination and thus find fault for not providing such facility to SC/ST candidate in the present notification by the respondents.

7 It is also the case of the applicant that the respondents are not providing Pre- Recruitment Training on a uniform basis to all the exams, due to which SC/ST candidates are finding it difficult to pass th examination and as such the act of the respondent has created many backlogging vacancies in SC and ST quota. Thus the act of the respondents(BSNL) is a direct infringement of the rights of SC/ST candidates since most of the candidates are coming from under privileged class and the provisions to impart pre recruitment training adequately support and guide them so as to equip them to take the examination with confidence.



8 The respondents have admitted imparting of pre recruitment training for SC&ST candidates in respect of non executive cadre equivalent to Group C circle cadres only and states that no such arrangement are available in respect to other Groups. But the applicant has filed documents issued from respondents dated 19.5.09 (Page No.49), 10.11.09(Page No.50) in respect of instructions to all circle units for making necessary arrangements for pre recruitment training for SC/ST candidates for JAO examination which is admittedly Group B cadre. From this it is clear that such pre recruitment training have been provided for SC/ST candidates for preparation of examination of Group B cadre also. The applicant also filed communication of the 5th respondent dated 28.8.06 and 16.11.09 to all Heads of Telecom offices/Districts requesting them to make necessary arrangement for pre recruitment training well before conducting any examination in future and also observed this in BSNL Circles. But the respondents are not arranging such training programmes.

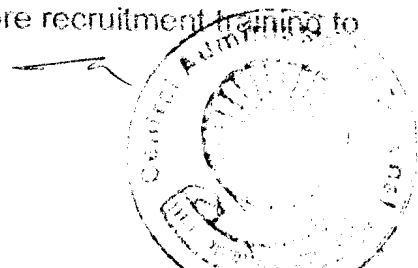
9 These correspondence of STC, BSNL (R-5) to all Heads of Telecom Circles/Districts does not restrict in respect of any particular group or Cadre and the nothings of such request is to make necessary necessary arrangements for pre recruitment training for SC/ST candidates appearing in various examinations of direct recruitment and promotion well before conducting any examination in future. Further the respondents have not filed any documents to show restricting such facilities only to Group C cadre. The purpose of pre recruitment training for SC/ST candidate is that SC/ST candidates need adequate support and guidance to equip them to face the examination with confidence and to achieve such object it requires extension of such facilities to all Group C cadre irrespective of Group B and Group C. Further when the BSNL itself made arrangements for such training to the candidates for the Group C and B posts, agitating for others ie Group A is not at all convincing. Further no justified reasons are appearing from the

pleadings of the respondents for denying the facility of pre recruitment training for SC and ST candidates appearing for the examination for the post of Management Trainee(MT) in BSNL which is a combined selection for external and internal candidates.

10 The respondents have taken an objection for the claim of the applicant for providing pre recruitment training for the candidates for the examinations on the post of Management Trainee (MT) and BSNL for direct and internal on the ground that the applicant applied for the said examination as internal candidate. No doubt the applicant has no right to agitate on behalf of one and all ie including direct recruitees and also for issue of direction to the respondents for all other examinations. Which is noting but attracting the litigations in the nature of Public Interest Litigations which is not within the purview of this Tribunal. The applicant who ohs appeared as internal candidates is just fified for making such claim for the candidates who are appearing as internal candidates.

11 Though the applicant pleaded that he made representation dated 4.10.09 and 17.11.09 to the respondents requesting them for imparting recruitments to the eligible SC/ST candidates for various examination conducted by BSNL, but no such representation are made available in the OA.

12 In view of the above circumstances, the OA is disposed of with a direction to the respondents 2 to4 to pass a reasoned order on the claim of the applicant for imparting pre recruitment training to SC/ST candidates before conducting examination for Management Trainee(MT) in BSNL asnotifiedvidereferenceNo.2-2/09 by treating this OA as representation of the applicant and pass a reasoned order within 4weeks from the date of supply off copy of this order. The applicant is also at liberty to make comprehensive representation in respect of his claim to impart pre recruitment training to

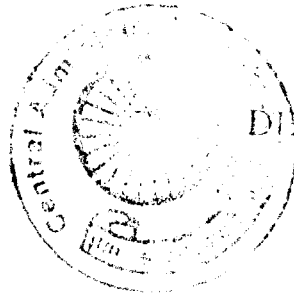


SC/ST candidates before conducting examinations for Management Trainee in BSNL as notified vide notification d No.2-2/09 within two weeks from the date of supply of copy of this order which the respondents shall take into consideration while taking decision on the claim of the applicant.

13 OA is disposed of. No order as to costs.

"Free Copy U R 22 of  
CAT (Procedure) Rules"

/TRUE COPY/



DEPUTY REGISTRAR

*[Handwritten signature]*  
15/7/10