

G.K. MOHAN AND ORS
v.
UNION OF INDIA AND ORS

OCTOBER 12, 2007

[A.K. MATHUR AND MARKANDEY KATJU, JJ.]

Constitution of India, 1950—Article 14—Categorization—Class of persons—Under Rule 6(4)(a) chargemen grade II possessing requisite qualifications in terms of Schedule III placed in grade 2 of category II and those not possessing, in Grade 4 of category I—Challenge to, on the ground of violation of Article 14—Held: There is no violation of Article 14—Categorization can be done on basis of educational qualifications—Article 14 applies within same class—Plea that Draughtsmen grade II have been placed better off vis-a-vis erstwhile chargemen grade II not having qualification not sustainable as both are two different class—Defence Research and Development Organisation, Technical Cadre Recruitment Rules, 1995—Rule 6(4)(a).

In terms of Rule 6(4)(a) of the Defence Research and Development Organization, Technical Cadre Recruitment Rules, 1995, Chargemen grade II who possessed the qualifications as prescribed in Schedule III were placed in grade 2 of category II while those who did not possess the same were placed in grade 4 of category I. Appellants-Chargemen grade II did not possess the qualifications as prescribed and were placed in grade 4 of category I. Appellants filed application seeking quashing of Rule 6(4)(a) being violative of Articles 14 and 16 of the Constitution on the ground that under the Rules the erstwhile Chargemen grade II were divided into two categories, namely, those who possessed the qualifications in schedule III and those who did not. It sought direction to place the appellants in grade 2 of category II with all consequential benefits. Applications as also writ petitions were dismissed. Hence the present appeals.

A Dismissing the appeals, the Court

B HELD: 1.1 There can be categorization on the basis of educational qualifications. The erstwhile Chargemen grade II who had the qualifications mentioned in Schedule III have been placed in a higher category while those like the appellants who do not have the said qualifications have been placed in the lower category. There is no violation of Article 14 on such a categorization.

[Paras 8 and 9] [196-B-D]

C 1.2. Article 14 applies within the same class. The submission that the Draughtsmen grade II have been placed better off by the Note to Rule 6(4)(a) *vis-a-vis* the erstwhile Chargemen grade II who did not have the qualifications in Schedule III cannot be accepted. Draughtsman and Chargeman are two different classes, and hence there is no question of discrimination between them.

D [Paras 10 and 11] [196-D-E]

CIVIL APPELLATE JURISDICTION : Civil Appeal Nos. 5045-5100 of 2001.

E From the Final Order dated 15.2.2001 of the High Court of Karnataka at Bangalore in W.P. Nos. 11728-55/2000, 11701-727/2000 and 10723/2000.

G. Umapathy, A. Leo G. Rozario and Rakesh K. Sharma for the Appellants.

F Ashok Bhan, R.S. Rana, Aman Sinha, R.C. Kathia and B.V. Balaram Das for the Respondents.

The Judgment of the Court was delivered by

G MARKANDEY KATJU, J. 1. These appeals have been filed against the final judgment and orders of the Karnataka High Court dated 15.2.2001 in W.P. Nos. 11728-755/2000, CW W.P. Nos. 11701-11727/2000 & W.P. No. 10723/2000.

2. Heard learned counsel for the parties and perused the record.

H 3. The appellants before us filed O.A. Nos. 1040/1998, 1055-1081/

1998 etc. before the Central Administrative Tribunal, Bangalore Bench seeking a direction to quash Rule 6(4)(a) of the Defence Research & Development Organization, Technical Cadre Recruitment Rules, 1995 (hereinafter referred to as the 'Rules') as being violative of Article 14 & 16 of the Constitution, and for a direction to place the applicants/appellants in grade II of category II with effect from 26.8.1995 with all consequential benefits.

4. The applicants (appellants before us) were Chargemen grade II in the service of the Union of India, Ministry of Defence. The Union of India introduced the aforesaid Rule on 26.8.1995. We are, however, only concerned with Rule 6(4)(a) which states as under:

“(4) (a). All persons holding the posts of Chief Glass Blower, Artist-cum-Photographer, Commercial Artist, Junior Scientific Assistant Grade I, Chargeman Grade II and Draughtsman Grade II shall be placed in grade 2 of category II provided that they possess the qualifications prescribed for recruitment to the grade of Technical Assistant 'A' as laid down in Schedule III failing which they shall be placed in grade 4 of category I.

NOTE: For this purpose, the existing incumbents of the posts of Draughtsman Grade II, possessing a certificate or a diploma in Draughtsmanship of a minimum duration of one year shall be deemed to possess the required qualifications”

5. A perusal of Rule 6(4)(a) shows that those Chargemen who possess the qualifications prescribed in Schedule III shall be placed in grade 2 of category II while those who do not possess the same will be placed in grade 4 of category I.

6. Admittedly, the applicants/petitioners did not possess the qualifications in Schedule III to the Rules and hence they were placed in grade IV of category I. Their grievance is that they have been discriminated against because before coming into force of the Rules in 1995 all Chargemen grade II were in the same category, while now under Rule 6(4)(a) the erstwhile Chargemen grade II have been divided into two categories, namely, those who possess the qualifications in schedule

A III and those who do not.

7. Learned counsel for the appellants submitted that this is violative of Article 14 of the Constitution because chances of promotion of the appellants have been adversely affected.

B 8. We regret we cannot agree. It is well settled by a series of decisions now that there can be categorization on the basis of educational qualifications. The erstwhile Chargemen grade II who had the qualifications mentioned in Schedule III have been placed in a higher category while those like the appellants who do not have the said qualifications have been placed in the lower category. In our opinion, there is no violation of Article 14 on such a categorization.

C 9. It is well settled that categorization can be done on the basis of educational qualifications and there will be no violation of Article 14 if this is done.

D 10. Learned counsel for the appellants then submitted that the Draughtsmen grade II have been placed better off by the *Note* to Rule 6(4)(a) *vis-a-vis* the erstwhile Chargemen grade II who did not have the qualifications in Schedule III.

E 11. In our opinion, this submission too has no merit. It is well settled that Article 14 applies within the same class. Draughtsman and Chargeman are two different classes, and hence there is no question of discrimination between them.

F 12. For the reasons aforementioned, there is no merit in these appeals. The appeals are accordingly dismissed. No order as to costs.

N.J.

Appeals dismissed.