

GAHC010001122026



2026:GAU-AS:318

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/112/2026

SURAJIT BARMAN
S/O- DHENESWAR BARMAN, RESIDENCE OF VILLAGE - BARBANG,
MAJIUPARA, P.O. - BARBANG, P.S. - PATACHARKUCHI, DISTRICT - BAJALI,
ASSAM

VERSUS

THE INDIAN OIL CORPORATION LTD. AND 5 ORS
CORPORATE OFFICE 3079/3, J. B. TITU MARG, SADIQ NAGAR, NEW DELHI-
110049.

2:THE DIRECTOR (H.R.)

INDIAN OIL CORPORATION LTD. CORPORATE OFFICE
3079/3
J. B. TITU MARG
SADIQ NAGAR
NEW DELHI - 110049..

3:THE INDIAN OIL CORPORATION
REFINERIES DIVISION
CORE- 2
SCOPE COMPLEX
7
LODHI ROAD
NEW DELHI
DELHI - 110003.

4:THE GUWAHATI REFINERY
NOONMATI
GUWAHATI
DISTRICT - KAMRUP METRO

ASSAM
PIN- 781020.

5:THE GENERAL MANAGER (H.R.)

GUWAHATI REFINERY
NOONMATI
GUWAHATI
DISTRICT - KAMRUP METRO
ASSAM
PIN - 781020.

6:THE DIRECTOR GENERAL OF TRAINING
THE MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP
KAUSHAL BHAWAN
7TH FLOOR
NEAR SAFDARJUNG RAILWAY STATION
CHANAKYAPURI
NEW MOTI BAGH
NEW DELHI - 110023

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

For the petitioner (s) : Mr. U. Dutta, Advocate

For the respondent (s) : XXXX

Date on which judgment is reserved : NA

Date of pronouncement of judgment : 08.01.2026

Whether the pronouncement is of the
Operative part of the judgment? : NA

Whether the full judgment has been
Pronounced? : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. U. Dutta, the learned counsel appearing on behalf of the petitioner.

2. The petitioner herein has approached this Court seeking appropriate directions upon the respondents thereby to provide benefits to Apprentices under the Apprentices Act, 1961, and more particularly, taking into account the observations of the Supreme Court in the case of ***U.P. State Road Transport Corporation and Another vs. U.P. Parivahan Nigam Shishukhs Berozgar Sangh and Others***, reported in **AIR 1995 SC 1115** and further the petitioner has also sought for a direction upon the respondents to grant age relaxation to the petitioner by excluding the period of Apprenticeship training from the age computation and to permit the petitioner to apply and participate in the recruitment process for the post of Junior Engineering Assistant, Grade IV (P&U).

3. The brief facts of the instant case as it appears from the materials on record is that the petitioner herein, pursuant to a notification for engagement of apprentice dated 24.09.2022 was engaged as Trade/Technician Apprentice at IOCL, Guwahati Refinery for a period of 24 months w.e.f. 01.02.2023 to 31.01.2025. Pursuant to the petitioner completing his engagement as Apprentice in the designated trade Boiler

Attendant, a certificate was also issued by the Director General of Training of the Ministry of Skill Development and Entrepreneurship on 11.06.2025. In the process of carrying out his work, the petitioner had also crossed the age of 26 years.

4. On 20.12.2025, the Respondent Corporation issued an advertisement calling for applications from eligible candidates for filling up various posts. Amongst the various posts, the petitioner herein is interested in applying to the post of Junior Engineering Assistant-IV (P&U).

5. Clause E of the said advertisement stipulated the minimum and maximum age limit. In terms of clause E(1), the minimum age limit is 18 years and the maximum age limit would be 26 years for unreserved category as on 31.12.2025.

6. It is the case of the petitioner that taking into account the scope and ambit of the Apprentices Act, 1961 and the judgment of the Supreme Court in the case of ***U.P. State Road Transport Corporation and Another*** (supra), the Respondent Authorities ought to have also granted certain relaxation in respect of those candidates who have completed training under the Apprentices Act, 1961. The same having not done, the petitioner has approached this Court by filing the present writ petition.

7. Mr. U. Dutta, the learned counsel appearing on behalf of the

petitioner, drew the attention of this Court to the judgment of the Supreme Court in the case of ***U.P. State Road Transport Corporation and Another*** (supra) and submitted that the Supreme Court dealt with the object behind the Apprentices Act, 1961 and the Rules framed thereunder and further observed that certain relaxations are required to be given inspite of the mandate of Section 22 of the Apprentices Act, 1961. In that regard, he referred to paragraphs Nos.3, 4, 5, 6, 7, 11 & 12 of the said judgment.

8. This Court has heard the learned counsel appearing on behalf of the petitioner and perused the materials on record including the advertisement dated 20.12.2022. From the materials on record, it is seen that the Respondent Corporation had engaged the petitioner as Apprentice for a period of 24 months w.e.f. 01.02.2023 to 31.01.2025. In the engagement letter dated 19.01.2023, it is categorically mentioned at Clause 13 that the Respondent Corporation shall have no obligation to offer employment to the petitioner and the petitioner also cannot claim right for employment on the ground of completion of Apprenticeship.

9. The Court has also perused Section 22 of the Apprenticeship Act, 1961, which mandates that the employer would only be bound to offer employment to the Apprentice if the contract of Apprenticeship does not contain any such Clause. This aspect is

further affirmed by the Supreme Court in the case of ***Haryana Power Generation Corporation Limited and Others vs. Harkesh Chand and Others***, reported in ***AIR 2013 SC 403***.

10. This Court has also perused the advertisement wherein though for the purpose of eligibility for the post of Junior Engineering Assistant-IV (P&U), it is mentioned that the candidate should also possess Boiler Competency Certificate with Second Class or National Apprenticeship Certificate in the Boiler Attendant under the Apprenticeship Act, 1961, but while mentioning the age relaxation at Clause E, there is no benefit being provided to any Apprentice who were engaged by the Respondent Corporation earlier.

11. Taking into account the above, it is the opinion of this Court that in exercise of the powers of judicial review, it would not be proper on the part of this Court to interfere with the advertisement thereby permitting the petitioner herein to participate in the said recruitment process, taking into account that the petitioner has already crossed the age of 26 years as on 31.12.2025.

12. Be that as it may, it is also relevant to observe that the non-exercise of the jurisdiction by this Court to permit the petitioner to participate is however different from the Respondent Corporation on its own permitting/authorizing apprentices engaged by them if

the Respondent Corporation deems fit. This Court finds it relevant to take note of the observations of the Supreme Court in the case of ***U.P. State Road Transport Corporation and Another*** (supra) wherein the Supreme Court dealt with the object behind the Apprentice Act, 1961 vis-à-vis Section 22 of the said Act. This Court finds it relevant to reproduce paragraph Nos.3, 4, 5, 6, 7, 11 & 12 of the judgment in the case of ***U.P. State Road Transport Corporation and Another*** (supra) which is herein under:-

“3. Before doing so, let the objects behind the enactment of Apprentices Act, 1961 (for short “the Act”) and its main provisions along with what has been stated in the Apprenticeship Rules, 1991 (“the Rules”) be noted. The need for the Act was felt, as mentioned in the Statement of Objects and Reasons, to ensure that the training of apprentices is streamlined in the backdrop of increasing demand for skilled craftsmen in the wake of large-scale industrial development of the country. The Act, therefore, proposed to provide for the regulation and control of training of apprentices. The amendment of the Act in 1973 by which training of graduate engineers and diploma-holders was introduced was for “improving their employment potential” and to solve the immediate unemployment problem. The amendment in 1986 aimed to provide “on the job training” to the products of vocational streams so that adequate competence and skill required for various occupations are acquired leading to “suitable employment or self-employment opportunities” in organised industries etc.

4. *With the aforesaid objects in forefront, which the Act seeks to achieve through its various amendments, let the relevant important provisions be noted. Section 4 requires entering into a contract before an apprentice is permitted to undergo training. By the force of Rule 6(2) of the Rules, the Central Government has even specified a model contract. Section 7 deals with the termination of apprenticeship contract and Rule 8 has laid down the quantum of compensation to be paid in case of termination. Rule 5 even visualises reservation for Scheduled Castes and Scheduled Tribes' trainees. A reference to Rule 7 shows that the period of training extends up to four years in some cases; and as per Rule 11 the trade-apprentices are required to be paid stipend varying from Rs 290 to Rs 700 per month. Rule 3 deals with the standard of education necessary for making a person eligible for being engaged as a trade-apprentice and a glance of Schedules I and I-A shows that the minimum educational qualification required is matriculation or its equivalent or 10th class under 10+2 system, which qualification in case of technician is even graduation.*

5. *From the aforesaid, it is clear that the training imparted is rather exhaustive and elaborate. Sufficient amount of money is also spent on the trainees by way of payment of stipend to them. What is more, there is an obligation on the employers to provide an apprentice with training in his trade in accordance with the provisions of the Act — Schedule V to the Rules containing details of the obligations; and the employer is also required to ensure that a person possessing prescribed qualification is placed in charge of*

training of the apprentices. The Act seeks to enforce these obligations on the pain of even prosecution, about which mention has been made in Section 30 of the Act.

6. *So the legislature did desire and make adequate provisions to see that the competent persons receive due training to cater to the need of increasing demand for skilled craftsmen on one hand and to improve the employment potential of the trainees on the other. Good amount of money, which would be public money in case of public bodies like the Corporation, is also spent on training the apprentices. Further, during the period of training, the apprentices are put under a discipline akin to that of regular employee inasmuch as Section 17 states that in all matters of conduct and discipline, the apprentice shall be governed by the rules and regulations applicable to employees of the corresponding category in the establishment in which the apprentice is undergoing training. Section 16 requires payment to the apprentice in case of injury due to accident arising out of and in the course of training, in accordance with the provision of the Workmen's Compensation Act, 1923, as modified by the Act. The Rules have dealt with the hours of work (Rule 12) and grant of leave (Rule 13) also.*

7. *The aforesaid provisions are sufficiently indicative of the fact that the training imparted is desired to be result-oriented; and the trainees are treated akin to employees. Even so, Section 22 of the Act states, and it is this provision which has been pressed into service by the appellants, that it shall not be obligatory on the part of the employer to offer any employment to any apprentice who has*

completed the period of his apprenticeship training in his establishment unless there be a condition in the contract to the contrary. The model contract form finding place in Schedule VI of the Rules echoes the voice of Section 22(1) in its second para. The Corporation has placed on record a model contract form entered into between it and the trainees which also states about the aforesaid non-obligation.

11. *The aforesaid being the position, it would not be just and proper to go merely by what has been stated in Section 22(1) of the Act, or for that matter, in the model contract form. What is indeed required is to see that the nation gets the benefit of time, money and energy spent on the trainees, which would be so when they are employed in preference to non-trained direct recruits. This would also meet the legitimate expectations of the trainees.*

12. *In the background of what has been noted above, we state that the following would be kept in mind while dealing with the claim of trainees to get employment after successful completion of their training:*

(1) Other things being equal, a trained apprentice should be given preference over direct recruits.

(2) For this, a trainee would not be required to get his name sponsored by any employment exchange. The decision of this Court in Union of India v. N. Hargopal¹ would permit this.

(3) If age bar would come in the way of the trainee, the same would be relaxed in accordance with what is stated in this regard, if any, in the service rule concerned. If the service rule be silent on

this aspect, relaxation to the extent of the period for which the apprentice had undergone training would be given.

(4) The training institute concerned would maintain a list of the persons trained yearwise. The persons trained earlier would be treated as senior to the persons trained later. In between the trained apprentices, preference shall be given to those who are senior."

13. It is the opinion of this Court that a liberty should be given to the petitioner to submit a representation highlighting the observations of the Supreme Court in the case of ***U.P. State Road Transport Corporation and Another*** (supra) and more particularly to the paragraphs above quoted.

14. It shall be absolutely within the jurisdiction of the Respondent Corporation to consider whether any relaxation can be granted to the petitioner in the facts and circumstances of the case in the light of the observations of the Supreme Court in the above quoted paragraphs.

15. With the above, the instant petition stands disposed of.

JUDGE