

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.30508 of 2013

P.Ramesh

...Petitioner

Vs.

1. The Director General of Employment and Training,
Shram Shakti Bhawan,
Rafi Marg,
New Delhi-110 001.

2. The Principal,
Industrial Training Institute,
Thirukkuvalai-610 204.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to issue an Original National Trade Certificate to the petitioner forthwith on the basis of his representation dated 29.07.2013.

For Petitioner : Mr.S.Giridharan

For Respondents : Mr.J.Veeramani,
Sr. Central Govt. Standing Counsel
for R1

Mr.V.Subbiah,
Special Govt. Pleader for R2

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O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioner would state that he has been awarded a Provisional National Trade Certificate in the year 1999, vide certificate bearing R.No.1822 by the Secretary, State Council for Vocational Training functioning under the office of the Director of

Employment and Training, Government of Tamilnadu. The petitioner approached the first respondent, who promised him that National Training Certificate would reach him as early as possible and since it has not been received, the petitioner submitted representations dated 18.04.2003, 25.06.2006, but he has not been favoured with any response. The petitioner also received a call letter on 27.03.2013 from the Tamil Nadu State Transport Corporation (Kumbakonam) Ltd., Kumbakonam Region for the post of ITI Apprentice and for want of the said certificate, he could not participate. The petitioner also submitted a representation dated 29.07.2013 to the first respondent and since he has not been favoured with any response, came forward to file this writ petition.

3. Heard the submissions of Mr.S.Giridharan, learned counsel appearing for the petitioner, who was drawn the attention of this Court to the order dated 27.04.2012 made in W.P.No.22200 of 2011 [Friends Industrial Training Centre v. Mr.M.Arul Devadhasan], wherein it has been stated as follows:

"18. Once, it is not disputed that the students of the petitioner-Institute were admitted for taking of the examination conducted by the respondent No.1 and results were also declared and they were also issued provisional certificates, it does not lie in the mouth of the respondent No.1, now to say that, for want of recognition of the Institution, the trade certificates cannot be issued. The students cannot be allowed to suffer on technicality of not passing the formal order of affiliation.

19. Admittedly, the case of the respondent No.1, is not that the petitioner/Institute is lacking in any infrastructure facilities, or it was not entitled to affiliation. Inaction of not issuing the letter of affiliation amounts to colourable exercise of powers by respondent No.1, as it is not disputed that permission was granted to admit the students and they were also allowed to take examination.

20. The Competent Authority/respondent No.2 had inspected the petitioner/Institute and had recommended for grant of affiliation to the petitioner/Institute.

21. For the reasons stated hereinabove, the petitioner/Institute has successfully proved, that it has legally enforceable right to direct the respondent No.1 to issue National Trade Certificates, in view of the fact that provisional certificates showing that the students have passed the National Trade test has already issued. The petitioner/Institute has also successfully proved that the respondent No.1 has failed to perform

Statutory obligation in issuing the National Trade Certificate to the students, who passed the test/examination conducted by respondent No.1.

22. Consequently, the Writ Petition is allowed. Writ in the nature of Mandamus is issued, directing the respondent No.1 to issue National Trade Certificates to the students, who undertook Mechanic Motor Vehicle Trade Unit-I and Electronic Mechanic Trade and passed the test, and were issued provisional certificate.

23. The petitioner is directed to submit a copies of the provisional certificate issued to the students to the respondent No.1, within ten days of the receipt of a certified copy of this order, to enable the respondent No.1 to issue National Trade Certificates.

24. No costs."

4. The Court heard the submissions of Mr.J.Veeramani, learned Senior Central Government Standing Counsel, who accepts notice for the first respondent and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice for the second respondent.

5. In the light of the above cited judgment, this Writ Petition is disposed of with a direction to the first respondent to pass orders on the petitioner's representation dated 29.07.2013 and it is also open to the petitioner to submit one more representation to the first respondent by enclosing a copy of his earlier representation dated 29.07.2013 as well as a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and the first respondent, on receipt of the same, shall consider the petitioner's representation dated 29.07.2013 as well as the further representation to be submitted by the petitioner as per the order of this Court and pass orders in accordance with law and also in the light of the above cited judgment, within a period of four weeks thereafter and communicate the decision taken to the petitioner.

5. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(R)

//True Copy//

Sub Assistant Registrar

jvm

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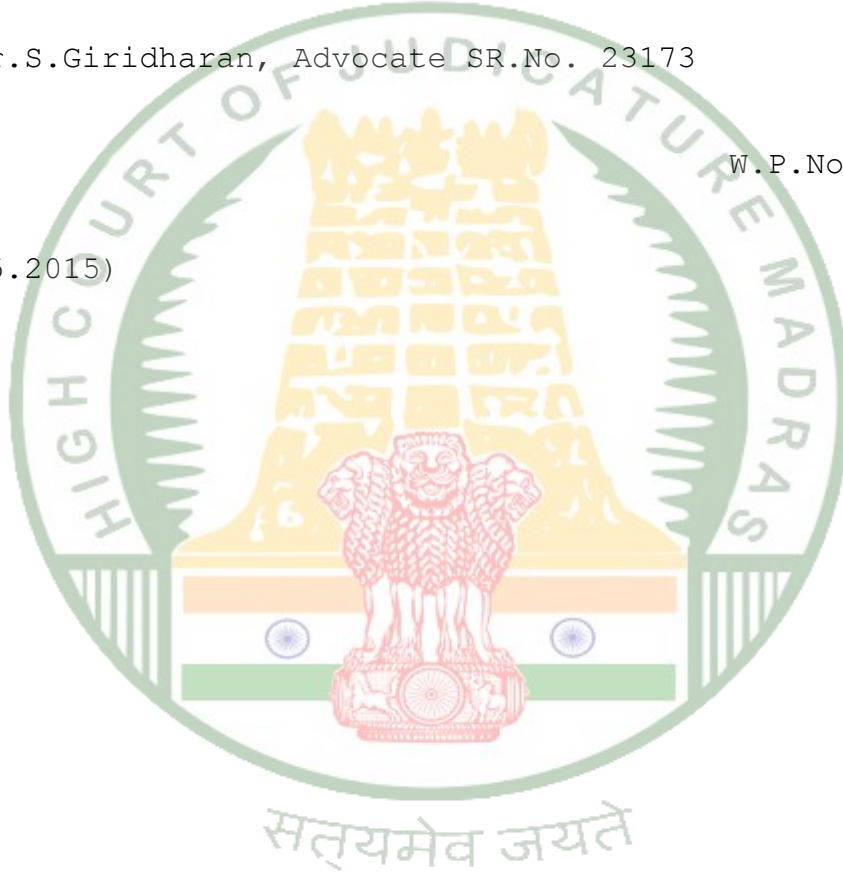
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1 CC to Mr.S.Giridharan, Advocate SR.No. 23173

W.P.No.30508 of 2013

RJ (CO)
PSI (14.05.2015)



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