



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Appeal(MD) No.1263 of 2015

and

M.P(MD)No.1 of 2015

S.Balan

...Appellant

Vs.

1.The District Employment Officer,
Thoothukudi District,
Thoothukudi.

2.The Directorate of Employment and
Training,
Government of Tamil Nadu,
Guindy, Chennai 600 032.

3.The Secretary,
Department of Employment and Training,
Government of Tamil Nadu,
Fort St., George, Chennai.

...Respondents

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 18.09.2015 made in W.P.(MD)No.16963 of 2015.

Prayer in WP(MD). 16963/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from appointing any person to the post of Junior Training Officer / Instructor (MMCP) with a qualification of Diploma / Degree Holders and further directing the 1st Respondent to sponsor the candidature of the Petitioner to the 2nd Respondent to be appointed to the post of Junior Training Officer / Instructor (MMCP).

For Appellant

: Mr.G.Prabhu Rajadurai

JUDGMENT

(Judgment of the Court was delivered by **V.RAMASUBRAMANIAN, J**)

The appeal arises out of the dismissal of the writ petition filed by the appellant, seeking a writ of mandamus to direct the respondents to forbear from appointing any person to the post of Junior Training Officer/Inspector with a qualification of diploma or degree in engineering and for a further direction to sponsor the candidature of the appellant for appointment to the said post.

2.Heard Mr.G.Prabhu Rajadurai, learned counsel for the appellant.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The appellant holds a National Trade Certificate in Mechanical Maintenance. He also underwent a National Apprenticeship Certificate in

the year 1998. He registered both the qualifications with the Employment Exchange.

4.The rules for recruitment of Junior Training Officer stipulated a ratio of 1:1:1 between the holders of National Trade Certificate, National Apprenticeship Certificate and Diploma holders. In the previous selection held in 1997, a Diploma holder was appointed.

5.However, the rule was amended by G.O.Ms.No.289, Labour and Employment Department, dated 13.12.2013. The amended rule prescribed a ratio of 1:1 as between (i)Diploma/Degree holders and (ii)National Trade Certificate/National Apprenticeship Certificate holders.

6.Therefore, the only vacancy for which the respondents started recruitment was sought to be filled up from among degree and diploma holders. Aggrieved by the said attempt on the part of the respondents, the appellant filed a writ petition but the same was dismissed. Hence, the present writ appeal.

7.The only grievance of the appellant is that in the previous recruitment, a diploma holder was appointed. Therefore, the present vacancy should go to the holder of a certificate such as National Trade Certificate or National Apprenticeship Certificate.

8.But the above grievance cannot be redressed. This is for the reason that the pre-existing rule prescribing a ratio of 1:1:1 has already been amended. The moment an amendment is introduced, the recruitment following the amendment should start from the first point. Therefore, the learned Judge was right in dismissing the writ petition. The observation of the learned Judge that the next vacancy will go to the holder of National Trade Certificate or National Apprenticeship Certificate will take care of the interest of the appellant.

9.With the above observation, the writ appeal is dismissed. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

1.The District Employment Officer,
Thoothukudi District, Thoothukudi.

2.The Directorate of Employment and
Training, Government of Tamil Nadu,
Guindy, Chennai 600 032.

3.The Secretary, Department of Employment and Training,
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+1cc to M/s.G.Prabhu Rajadurai, Advocate in SR.68868
+1cc to the Special Government Pleader, in SR.68808

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