



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2015

Coram

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD)No.16963 of 2015

and

M.P. (MD)No.1 of 2015

S.Balan

:Petitioner

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 Sain George,
Chennai.

: Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus, forbearing the respondents from appointing any person to the post of junior Training Officer / Inspector (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 Petitioner

:Mr.G.Prabhu Rajadurai

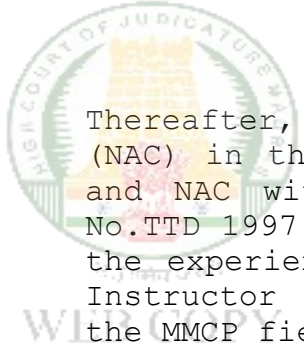
For Respondents

:Mr.S.Sadesh Kumar
Addl.Govt.Pleader

O R D E R

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, forbearing the respondents from appointing any person to the post of junior Training Officer / Inspector (MMCP) with a qualification of Diploma / Degree Holders and further direction to 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).

2.The learned counsel appearing for the petitioner would submit that the petitioner after passing 10th Standard in April 1994, had joined in Industrial Training Institute in Mechanical Maintenance Chemical Plant (MMCP) and obtained National Trade Certificate (NTC), in the year 1996.



Thereafter, he has also undergone National Apprenticeship Certificate (NAC) in the year 1998 and also got registered his qualification of NTC and NAC with the 1st respondent, for which he was given Registration No.TTD 1997 00002337, dated 22.05.1997. This apart, he has also acquired the experience to be appointed in the post of Junior Training Officer / Instructor in any one of the Industrial Training Institutions (ITI) in the MMCP field.

3.While so, the 3rd respondent has issued G.O.Ms.No.289 Labour and Employment (P2) Department, dated 13.12.2013 with an amendment to the Special Rules against category '3.Junior Training Officers in various Trades including Drawing and Mathematics in the Industrial Training Institutes / Centres" in column (1) thereof, stating that the following shall be substituted, namely:-

- "(ii) By direct recruitment in the ratio of 1:1 as between,
 (a) Diploma / Degree holders; and
 (b) National Trade Certificate / National Apprenticeship Certificate holders"

4. As per the amendment issued in G.O.Ms.No.289 Labour and Employment (P2) Department, dated 13.12.2013, the post of Junior Training Officers in various States including the Drawing and Mathematics in the Industrial Training Institutes / Centres should be filled up by direct recruitment in the ratio of 1:1, between the Diploma / Degree holder and National Trade Certificate / National Apprenticeship Certificate Holder.

5. After issuing the said G.O.Ms.No.289, the 2nd respondent has called for the candidates, who are possessing only diploma certificate alone without mentioning that the candidates possessing Trade Certificate / National Apprenticeship Certificate holders are also eligible, which is in violation of G.O.Ms.No.289 Labour and Employment (P2) Department, dated 13.12.2013. As the said Government Order has not been followed, the petitioner, who is also having the requisite qualifications viz., National Trade Certificate and also National Apprenticeship Certificate with 6 years of experience in the field, cannot be overlooked.

6. Refuting the above contention, Mr.S.Sadash Kumar, learned Additional Government Pleader appearing for the respondents submitted that there is only one vacancy for the post of Junior Training Officer in MMCP has arisen. Therefore, as per the G.O.Ms.No.289 Labour and Employment (P2) Department, dated 13.12.2013, if any appointment has to be made by direct recruitment, it has to be done only in the ratio of 1:1, as between the Diploma / Degree holders and National Trade Certificate / National Apprenticeship certificate holders. In strict adherence to the said conditions mentioned in G.O.Ms.No.289, the 2nd respondent has called for the candidates, who are possessing Diploma or Degree holder as there is only one vacancy available that has been filled up by giving first priority to the Diploma or Degree holder. If there are more than one vacancies, the 2nd respondent would have called for the candidates, who are possessing the National Trade Certificate / National Apprenticeship Certificate also. Hence no merit is found in the prayer, he pleaded.



7. I find some merits in the submissions made by learned Additional Government Pleader appearing for the respondents. The reason is, the proceedings, dated 27.08.2015 really shows that there is only one vacancy for the post of Junior Training Officer has arisen. Therefore, the 2nd respondent is perfectly right in calling the candidates, who are possessing the Degree holders in B.E. However, if subsequent vacancy arises, the respondents are directed to fill up the subsequent vacancies on the basis of G.O.Ms.No.289 Labour and Employment (P2) Department, dated 13.12.2013, by following the 1:1 ratio, If the second vacancies arises, it has to be given to the 2nd category viz., NIT and NET.

8. With the above observation, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(Per.Admn.)

/ True Copy /

Sub-Assistant Registrar

To

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 Sain George,
Chennai.

+1 cc to Mr.G.Prabhu Rajadurai, Advocate, SR No.55226
+1 cc to the Special Government Pleader, SR No.55447

MPK

SH/JGB-DP:04.11.2015/3P:6C

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