

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 27.05.2016

Pronounced on : 03.06.2016

CORAM

The Hon'ble Mr. Justice M.V. MURALIDARAN

W.P.No.18426 of 2016

and

WMP.No.16127 of 2016

N.Saminathan

...Petitioner

Vs.

1. Government of Tamil Nadu

Rep. By its Secretary,
Labour and Employment Department,
Fort St. George,
Chennai 600 009.

2. Director,

Directorate of Employment and Training (Training Wing)
Government of Tamil Nadu,
Guindy, Chennai 600 032.

3. Joint Director (Craftsmen Training),

Directorate of Employment and Training (Training Wing)
Government of Tamil Nadu,
Guindy, Chennai 600 032.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, declaring the notification dated 12.01.2016 issued by the third respondent inviting application for direct recruitment to the vacancies of Junior Training Officer posts in Government Industrial Training Institutes of Tamil Nadu in the Training Wing of the second respondent for the year 2014-2015 as illegal, arbitrary and contrary to law in so far as not indicating the date of the Preliminary Test (Screening Test) and also the Main Selection as illegal, arbitrary and contrary to law and consequently direct the respondents to issue fresh notification direct recruitment to the vacancies of Junior Training Officer posts in Government Industrial Training

Institutes of Tamil Nadu in the Training Wing of the second respondent for the year 2014-2015 for indicating the date of the Preliminary Selection (Screening Exam) and by issuing the Hall Ticket to the petitioner and thereafter conduct the Main Selection and complete the recruitment process.

For Petitioner : Mrs.R.Kamatchi Sundaresan

For Respondents : Mrs.P.Kavitha
Government Advocate

O R D E R

The petitioner has filed the above writ petition to declare the notification dated 12.01.2016 issued by the third respondent inviting application for direct recruitment to the vacancies of Junior Training Officer posts in Government Industrial Training Institutes of Tamil Nadu in the Training Wing of the second respondent for the year 2014-2015 as illegal, arbitrary and contrary to law in so far as not indicating the date of the Preliminary Test (Screening Test) and also the Main Selection as illegal, arbitrary and contrary to law and consequently direct the respondents to issue fresh notification direct recruitment to the vacancies of Junior Training Officer posts in Government Industrial Training Institutes of Tamil Nadu in the Training Wing of the second respondent for the year 2014-2015 for indicating the date of the Preliminary Selection (Screening Exam) and by issuing the Hall Ticket to the petitioner and thereafter conduct the Main Selection and complete the recruitment process.

2.The case of the petitioner is that after completion of the Diploma in Mechanical Engineering in the year 1991, he studied B.E. Degree in Mechanical Engineering through part-time course from Madurai Kamaraj University during the year 1998. After completion of the Diploma, he was employed in various private companies as Supervisor.

3.The first respondent issued G.O.Ms.No.156, Labour and Employment (P2) Department dated 28.09.2015 for recruitment of Junior Training Officer in the Government Industrial Training Institute and fixed guidelines for selection. The qualification of the appointment under direct recruitment is 10th pass and NTC with 3 years industrial experience / 10th and NAC pass with 2 years industrial experience or Diploma in Engineering in the relevant field of engineering. The Government has decided to fill up the existing 329 post of Junior Training Officer and in this regard, the list of candidates were obtained from the employment exchange and also received application by making open

advertisement. The selection process consists of screening test at State level to all eligible candidates with objective type questions covering Science and Maths subjects at 10th standard level including general knowledge. The candidates who had cleared screening test, in the ratio of 1:5 will be subjected to practical skill cum teaching ability test and interview.

4. The third respondent based on the G.O. issued by the first respondent, issued the notification dated 12.01.2016 inviting applications through online to fill 329 vacancies in the post of Junior Training Officer in Government Industrial Training Institutes by direct recruitment for the year 2014-2015. The said notification contained that the qualification and the age limit and the application should be registered through online only. As per the notification, the selection process is in two fold:

1. preliminary selection and
2. main selection

The process is as follows:-

"1. Preliminary Selection: A Screening Test (Exam) at 10th Std level will be conducted to short list the candidates. Eligible Candidates only will be allowed to take up Screening Test. The date and venue of the screening test will be intimated in the Hall Ticket. The Eligible candidates can download the Hall Ticket from the website by entering the application number given in the acknowledgment slip as User ID and his/her date of birth as password.

2. Main Selection: The candidates short listed on the Screening Test Marks in the ratio of 1:5 depending on the No. Vacancies in each category will be allowed for main selection process."

5. The petitioner further states that originally the recruitment notifications issued by the Tamil Nadu Public Service Commission and other Government Organizations, will contain the important dates regarding the recruitment, the date of notification, last date for application, date of written examination, etc. But, this particulars have not been mentioned in the notification dated 12.01.2016 issued by the third respondent. The petitioner also applied for the post of Junior Training Officer and obtained the acknowledgment for submission of the application.

6.The petitioner without knowing about the date of preliminary selection date. On 20.02.2016 at 4.55 p.m. the petitioner received "SMS" in his mobile phone and contents of the message reads as follows:-

"JTO-Recruitment Exam-21.02.2016 10.00 AM.
Down Load Hall Ticket from
www.skilltraining.in.gov before 21.02.2016 10
A.M. Sender
IM.DETCHN
Message Centre +919702000557"

On seeing the above "SMS", the petitioner was shocked very much since without giving sufficient time, the SMS notice mentioned that the preliminary examination would be taken place on the very next day. Thereafter, the petitioner tried to download the Hall Ticket from the website, but he could not able to download the Hall Ticket. Therefore, he was unable to appear in the preliminary examination. Therefore, challenging the notification, he approached this Court and filed the above writ petition for the above prayer.

7.Heard Mrs.R.Kamatchi Sundaresan, learned counsel appearing for the petitioner and Mrs.P.Kavitha, learned Government Advocate appearing for the respondents.

8.The main contention in the writ petition raised by the petitioner is that the notification dated 12.01.2016 issued by the third respondent does not contain about the last date of application and the date of written examination. Since, the selection process was under two fold (1) preliminary selection and (2) main selection. Therefore, the learned counsel appearing for the petitioner argued that due to non mentioning the specific date of the preliminary examination and thereafter a day before the examination he received the "SMS" message that the preliminary examination will be taken place on 21.02.2016 at 10.00 a.m. Therefore, he sought for declaration, declaring that the notification dated 12.01.2016 and further direction to issue fresh notification by indicating the date of screening examination by issuing hall ticket to the petitioner and thereafter, conduct the main selection.

9.Per contra, the learned Government Advocate appearing for the respondents argued that as well the notification issued by the third respondent which was enclosed in the page-14 of the typedset, the notification impugned about the selection process is as follows:-

"1.Preliminary Selection: A Screening Test (Exam) at 10th Std level will be conducted to short list the candidates. Eligible Candidates only will be allowed to take up Screening Test. The date and venue of the screening test will be intimated in the Hall Ticket. The Eligible candidates can download the Hall Ticket from the website by entering the application number given in the acknowledgment slip as User ID and his/her date of birth as password.

2.Main Selection: The candidates short listed on the Screening Test Marks in the ratio of 1:5 depending on the No. Vacancies in each category will be allowed for main selection process."

10.Therefore, the learned Government Advocate appearing for the respondents states that in the notification itself, it was clearly mentioned that in respect of preliminary selection that the date and venue of the screening test will be intimated in the hall ticket, the eligible candidate can download the hall ticket from the website given in the acknowledgment slip as User ID and his/her date of birth as password. Therefore, challenging the notification dated 12.01.2016 only on the ground that the notification does not contained that the date of the Preliminary Test (Screening Test) is wrong and the writ petition is liable to be dismissed.

11.Considering the arguments placed on either side and on perusal of the documents, particularly the notification dated 12.01.2016, I am of the considered opinion that the notification dated 12.01.2016 is very clear in respect of preliminary selection, which has clearly mentioned that the date of written test and the screening test will be indicated in the hall ticket and eligible candidates shall download the hall ticket from the website given in the acknowledgment slip. Therefore, the petitioner ought to have download the hall ticket from the website and note the date of written examination, without doing the same the petitioner come forward by saying that the last date and date of written examination particulars have not been mentioned in the notification is not acceptable one and the petitioner has not made out his case before this Court. Accordingly, the writ petition fails and the same is dismissed. There is no order as to costs. Consequently, connected

miscellaneous petition is closed.

vs

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
The Government of Tamil Nadu
Labour and Employment Department,
Fort St. George,
Chennai 600 009.
- 2.The Director,
Directorate of Employment and Training (Training Wing)
Government of Tamil Nadu,
Guindy, Chennai 600 032.
- 3.The Joint Director (Craftsmen Training),
Directorate of Employment and Training (Training Wing)
Government of Tamil Nadu,
Guindy, Chennai 600 032.

+ 1 cc to Mr.S.Balan Haridas, Advocate Sr 29710

KR/9/6/16

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