

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.5700 to 5702 of 2016

and

W.M.P.Nos.5044 to 5046 of 2016

K.Prabhavathi .. Petitioner in W.P.No.5700 of 2016
N.Sriramulu .. Petitioner in W.P.No.5701 of 2016
P.Gomathi ... Petitioner in W.P.No.5702 of 2016

-vs-

1. The Director
Directorate of Stationery and Printing
No.110, Anna Salai
Chennai 600 002
2. The Secretary
Department of Hindu Endowment
and Stationery and Printing
6th Floor, Namakkal Maligai
Fort St.George
Chennai 600 009 ... Respondents 1 & 2 in all the W.P's

Petitions under Article 226 of the Constitution of India, praying for the issuance of a Writs of Declaration, declaring the first respondent's proceeding Dir.No.B2-15737-2014 dated 01.04.2015 and notification No.P2/15737/2014 dated 30.12.2015 requiring the petitioners who worked as Apprentices in the first respondent to undergo written examination is illegal and direct the respondents 1 and 2 to dispense with the written examination for the petitioners for the ensuing direct recruitment to the post of Junior Book Binder and also direct the respondents 1 and 2 to formulate a Scheme for absorbing ex-Apprentices as per the amended provision of Sec.22(1) of the Apprentices Act, 1961.

For Petitioners :: Mr.K.Bharathi

For Respondents :: Mr.R.Vijayakumar
Additional Government Pleader

ORDER

These writ petitions have been filed by Mrs.K.Prabhavathi, Mr.N.Sriramulu and Ms.P.Gomathi seeking issuance of a writ of declaration, to declare the proceedings issued by the Director of Stationery and Printing, Chennai in No.B2-15737-2014 dated 01.04.2015 and the notification No.P2/15737/2014 dated 30.12.2015 requiring the petitioners who worked as Apprentices in the first respondent-Government Central Press to undergo the written examination as illegal with a consequential direction to the respondents to dispense with the written examination for the petitioners for the ensuing direct recruitment to the post of Junior Book Binder with yet another direction to the respondents to formulate a Scheme for absorbing the ex-Apprentices as per the amended provision of Section 22(1) of the Apprentices Act, 1961.

2. Learned counsel for the petitioners submitted that after completing SSLC, HSC and ITI courses, the petitioners registered their names in the Department of Employment and Training on 18.2.91, 1.11.95 & 14.12.2000 respectively. Subsequently, they have also renewed their names during February 2015, November 2013 and October 2015 and their next renewal is due in the months of February 2018, November 2016 and October 2018 respectively. They have also completed their training at the Government Industrial Training Institute, Guindy and passed the prescribed trade test in the trade of 'Book Binder' in July 1990, July 1995 & July 2000, for which the certificates also have been issued by the National Council for Vocational Training. In this background, it has been further submitted that the petitioners, having completed their apprenticeship training under the Apprentices Act at the Government Central Press, Chennai from 1.9.92 to 31.8.93, 3.7.97 to 2.7.98 and 25.2.2002 to 24.2.2003 in the trade of 'Book Binder' and also passed the prescribed trade test conducted by the National Council for Vocational Training held in December 1993, December 1998 and April 2003 respectively, have been recommended by the employment exchange to the Government Central Press to work as daily wagers. In the meanwhile, the first respondent has issued the impugned proceedings dated 1.4.2015 followed by the notification dated 30.12.2015 requiring the petitioners who worked as apprentices in the first respondent to undergo the written examination. Since the said approach is illegal, the impugned proceedings and the notification are liable to be interfered with, he pleaded. Again referring to Section 22(1) of the Apprentices (Amendment) Act, 2014 (No.29 of 2014), he further submitted that when the law is very clear that every employer shall formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in his establishment, without formulating any policy for recruiting the apprentices, the impugned proceedings and the notification ought

not to have been issued, as they take away the right vested on the petitioners to be recruited as Book Binders.

3. But this Court is not able to find any merit in the submissions of the learned counsel for the petitioners. The reason is that although the aforementioned section directs the employer to formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in his establishment, in the present cases, the impugned notification dated 30.12.2015 has been issued requiring not only the petitioners, but also others who worked as apprentices in the first respondent to undergo the written examination. Therefore, when the respondents have trained many candidates like the petitioners as apprentices for several years, in order to fill up the existing vacancies in the post of Book Binder, the notification issued by them inviting applications from the eligible candidates cannot be found fault with. This apart, page-2 of the proceedings dated 1.4.2015 shows that a candidate must have passed the SSLC examination or its equivalent and must also possess the appropriate Technical Trade Certificate from any of the institutions approved and recognised by the Government or must have put in a minimum period of apprenticeship training. Therefore, when the petitioners had already undergone the one year apprenticeship training in the first respondent-Government Central Press, their prayer to declare the notification as illegal is absolutely untenable. Accordingly, the writ petitions fail and they are dismissed. Since the petitioners had already written the examination, it is for the respondents to consider their candidature, if they are found qualified, on the basis of the bench mark going to be evolved by the respondents. Consequently, W.M.P.Nos.5044 to 5046 of 2016 are also dismissed. No costs.

ss

-s/d-

Assistant Registrar (CS-VII)

True Copy

Sub-Assistant Registrar

To

1. The Director
Directorate of Stationery and Printing
No.110, Anna Salai
Chennai 600 002

WEB COPY

2. The Secretary
Department of Hindu Endowment
and Stationery and Printing
6th Floor, Namakkal Maligai
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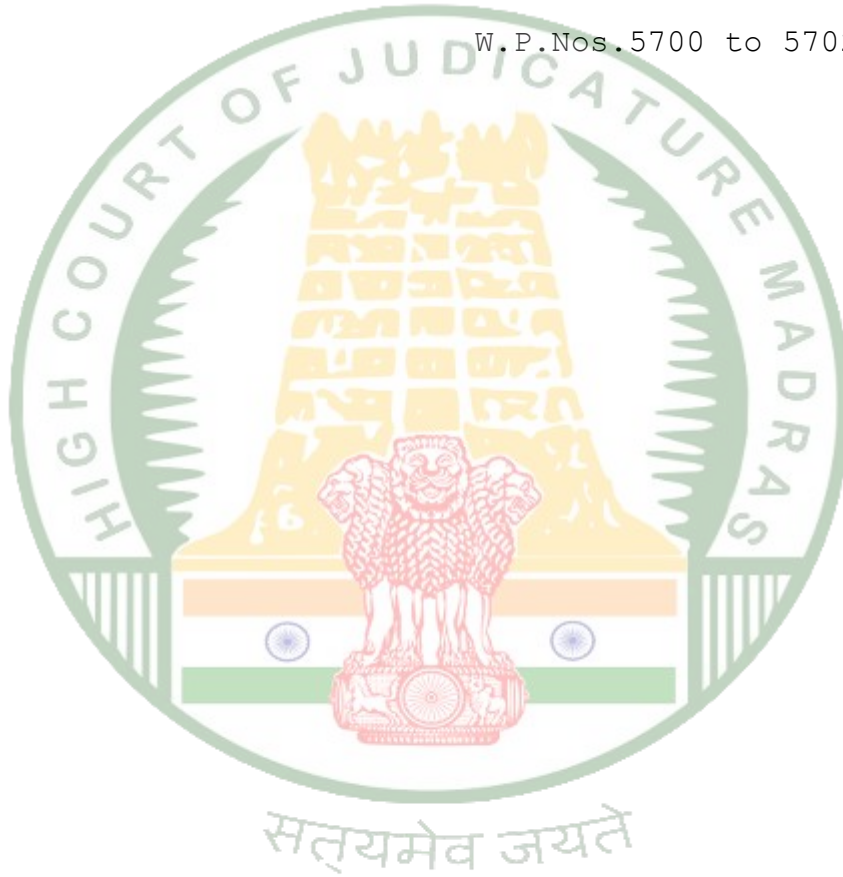
+ 1 cc to Govt.Pleader SR 9955

+ 1 cc to Mr.K.Bharathi, Advocate SR 10026

+2 ccs to Mr.K.Bharathi, Advocate, sr.10025,10027(18.02.2016)

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W.P.Nos.5700 to 5702 of 2016



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