



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:29.11.2016

CORAM:

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THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition(MD)No.5978 of 2013

R.Chokkappa Raja

... Petitioner

Vs.

- 1.The Union of India,
Ministry of Labour & Employment,
National Council for Vocational Training,
New Delhi - 110 001.
- 2.The Secretary,
National Council for Vocational Training,
New Delhi.
- 3.The Secretary,
State Council for Vocational Training,
Alanthur Road,
Guindy, Chennai-32.
- 4.The Regional Joint Director of Training,
No.15, Salai Street,
Vannarapettai,
Tirunelveli -3.
- 5.The Special Officer,
Sri Jayavlas Subburaj Memorial,
Industrial Training Centre,
Aruppukottai,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the 2nd & 3rd respondents to issue a National Trade Certificate to the petitioner (Motor Mechanic Roll No.1561720), who was completed the course during the year August 1995 to July 1997 from the 5th respondent, within a stipulated time fixed by this Court.

For Petitioner
For R-1 & R-2

: Mr.A.P.Muthu Pandian
: Mr.R.Murugappan,
Central Government Standing Counsel



For R-3 & R-4

: Mr.N.S.Karthikeyan,

Additional Government Pleader

For R-5

: No Appearance

ORDER

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This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the 2nd & 3rd respondents to issue a National Trade Certificate to the petitioner (Motor Mechanic Roll No.1561720), who has completed the Course during the year August 1995 to July 1997 from the 5th respondent, within a stipulated time.

2. According to the petitioner, he has completed the Course in Motor Mechanic in the fifth respondent/I.T.I and he has completed the Course during the year 1997, and after completion of the Course, National Trade Certificate was also issued to the petitioner on 10.11.1997 by the third and fifth respondents. Subsequently, National Apprenticeship Certificate was also issued to the petitioner in the year 1999 by the second and fourth respondents. Thereafter, the petitioner approached the fifth respondent for getting National Trade Certificate to be issued by the first respondent. But, the fifth respondent did not take any action and therefore, the petitioner has filed this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court was pleased to consider the request of the petitioner in W.P(MD)No.1060 of 2010, vide order, dated 14.12.2010, and relevant portion of the order reads as follows:

6. It is the case of the petitioner that inspection was conducted on 03.02.1996 for the academic session 1995-1996 and affiliation was granted from 1996-1997. The very same issue was considered by this Court in W.P.No.21113 of 2006, and this Court directed the respondents to issue National Trade Certificates for the batch of students admitted in the academic year 1995-1997 which was also followed in the decision reported in 2008 W.L.R 170 (Dr.Abdul Gaffoor I.T.T, rep. By its Correspondent, Vikravandi, Villipuram District vs. The Government of India & another). The Division Bench of this Court in the decision reported in 2010 4 L.W. 654 (The Director of Employment & Training, Guindy vs. I.C.W.S, Industrial Training Institute, Thirunavali, rep. By its Director Ulundurpet Taluk, Villupuram District and another) has also taken a similar view and followed the earlier Division Bench order of this Court made in W.A.Nos.735 to 737 of 2006, dated 13.12.2007.



7. Thus the issue is covered by the judgment of the Division Bench of this Court cited supra. It is also not in dispute that the fifth respondent ITI is granted affiliation from 1996-1997 based on the inspection, dated 03.02.1996. Therefore, the said affiliation should relate back to the commencement of the academic year for which recommendation has already been made. Hence, the writ petition is allowed with a direction to the second respondent to issue National Trade Certificate to the petitioner (Fitter Roll No.156134) within a period of four weeks from the date of receipt of a copy of this order. No Costs.

4. Therefore, the learned counsel for the petitioner submitted that the petitioner is also similarly placed person and similar order may be passed.

5. In view of the same, since the petitioner is also similarly placed person, this Court directs the second respondent to issue National Trade Certificate to the petitioner (Motor Mechanic Roll No.1561720, within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The Union of India,
Ministry of Labour & Employment,
National Council for Vocational Training, New Delhi - 110 001.

2.The Secretary,
National Council for Vocational Training, New Delhi.

3.The Secretary,
State Council for Vocational Training,
Alanthur Road, Guindy, Chennai-32.

4.The Regional Joint Director of Training,
No.15, Salai Street, Vannarapettai, Tirunelveli -3.

+1 cc to M/s.R.Murugappan, Advocate in SR.No.74019

+1 cc to The Special Government Pleader in SR.No.74211