

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2017

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.22119 of 2016

and

W.M.P.No.18868 of 2016

1. Kennedy Industrial Training Institute
by its Correspondent
Odapillaiyar Kovil (stop),
Katpadi Main Road,
Vellore -6,
Vellore District.
2. Thamizhaga Industrial Training Institute,
by its Correspondent
Abdullaburam,
Vellore-10,
Vellore District.
3. Kamatchi Industrial Training Institute,
by its Correspondent
Sekkupettai Saliya Street,
Kancheepuram - 631 501
Kancheepuram District.
4. Vinayaka Industrial Training Institute
by its Correspondent
Kullur Santhai Road,
Periyavallikulam,
Viruthunagar - 626 004
Viruthunagar District.

... Petitioners

Versus

1. The Director of Employment & Training,
Guindy,
Chennai - 32.
2. The Regional Joint Director of
Employment & Training,
Chennai Region,
Chennai - 32.

WEB COPY

3. The Regional Joint Director of
Employment & Training,
Tirunelveli Region,
Tirunelveli.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents to display the names of the petitioners indicating all the affiliated trades of NCVT Course in the list of eligible Private Industrial Institutes during District Wise Counseling and consequently to reimburse the annual training cost payable in terms of G.O.Ms.115, Labour & Employment Department dated 19.07.2012.

[Prayer amended as per order dated 18.04.2017
in WMP.No.9916/2017 in W.P.No.22119/2016]

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.V.Anandhamurthy
Additional Government Pleader

O R D E R

The petitioners have come up with the present writ petition seeking for issuance of a Writ of Mandamus, directing the respondents to display the names of the petitioners indicating all the affiliated trades of NCVT Course in the list of eligible Private Industrial Institutes during District Wise Counseling and consequently to reimburse the annual training cost payable in terms of G.O.Ms.115, Labour & Employment Department dated 19.07.2012.

2. The petitioners are the Industrial Training Institutes (ITIs) established to offer National Vocational Training Courses to the students (trainees). The grievance of the petitioners is that though they come under the single window system offering 50% of the seats through the said system, the names of the petitioners indicating all the affiliated trades of NCVT course were not displayed as per G.O.Ms.115, Labour & Employment Department, dated 19.07.2012.

3. Heard Mr.S.Kamadevan, learned counsel appearing for the petitioner and Mr.V.Anandhamurthy, learned Additional Government Pleader appearing for the respondents 1 to 3.

4. When there is a specific G.O. covering the field, the same has to be implemented in letter and spirit. As per G.O.Ms.115, Labour & Employment Department, dated 19.07.2012, the names of the institutions and the details of all the

affiliated trades of NCVT course have to be displayed during the counseling process. But, the names of the petitioners were not displayed. Thus, the grievance of the petitioners cannot be ignored as the respondents are duty bound to follow the terms of G.O.Ms.115, Labour & Employment Department, dated 19.07.2012. Further, as per the very same G.O., the respondents are bound to reimburse the training cost at the rate of Rs.10,000/- per trainee per year in rural areas and Rs.12,000/- per trainee per year in urban areas.

5. Accordingly, the respondents are directed to display the names of the petitioners indicating all the affiliated trades of NCVT course in the list of eligible Private Industrial Institutes during District Wise Counseling and consequently, to reimburse the annual training cost at the rate of Rs.10,000/- per trainee, per year, in rural areas and Rs.12,000/- per trainee, per year in urban areas in terms of G.O.Ms.115, Labour & Employment Department, dated 19.07.2012.

6. In fine, the writ petition is disposed of accordingly. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rsi/arr

To

1. The Director of Employment & Training,
Guindy, Chennai - 32.
2. The Regional Joint Director of
Employment & Training,
Chennai Region, Chennai - 32.
3. The Regional Joint Director of
Employment & Training,
Tirunelveli Region, Tirunelveli.

+3cc's to Mr.S.Kamadevan, Advocate, S.R.No.23210
+1cc to the Government Pleader, S.R.No.23563

W.P.No.22119 of 2016 and
W.M.P.No.18868 of 2016

SSI(CO)
CA(04/05/2017)