

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2017

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.23750 of 2016

and

W.M.P.Nos.20343 & 20344/2016 and 6507/2017

Private ITI (Industrial Training Institute)
Welfare Association (Regn No. 140/2015)
Rep by its President
No.260/3-2, Tiruchendur Road
V.M.Chathiram
Tiruvvelveli - 627 011 ... Petitioner

-vs.-

- 1.The Director of Employment & Training
Guindy
Chennai - 600 032.
- 2.The Regional Joint Director (Training)
Tirunelveli Region
Tirunelveli
- 3.The Principal
Government ITI
Pettai, Tirunelveli ... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, praying this Court for issuance of Writ of Mandamus directing the respondents to display the names of the members of the petitioner association 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 GO.Ms.115, Labour & Employment Department, dated 19.07.2012.

[Prayer amended as per order dated 15.03.2017
by NKKJ in WMP.No.6506/2017 in W.P.No.23750/2016]

For Petitioner : Mr.S.Kamadevan

For Respondents: Mr.P.Sanjay Gandhi, A.G.P.,

ORDER

The petitioner has come up with the present writ petition seeking for issuance of Writ of Mandamus directing the respondents to display the names of the members of the petitioner association 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 GO.Ms.115, Labour & Employment Department, dated 19.07.2012.

2.The petitioner is a welfare association of Private Industrial Training Institutes run in the Tirunelveli District. Totally, 15 institutions are members of the petitioner association. The grievance of the petitioner is that though they come under the single window system offering 50% of the seats through the said system, the names of the members of the petitioner association indicating all the affiliated trades of NCVT course were not displayed as per GO.Ms.115, Labour & Employment Department, dated 19.07.2012.

3.Heard Mr.S.Kamadevan, learned counsel appearing for the petitioner and Mr.P.Sanjay Gandhi, 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 GO.Ms.115, Labour & Employment Department, dated 19.07.2012, the name 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 members of the petitioner association were not displayed. Thus, the grievance of the petitioner cannot be ignored as the respondents are duty bound to follow the terms of GO.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 members of the petitioner association 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 GO.Ms.115, Labour & Employment Department, dated 19.07.2012.

6.In fine, the writ petition stands allowed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Deputy Registrar

/true copy/

Sub Asst. Registrar

To

1.The Director of Employment & Training
Guindy
Chennai - 600 032.

2.The Regional Joint Director (Training)
Tirunelveli Region
Tirunelveli

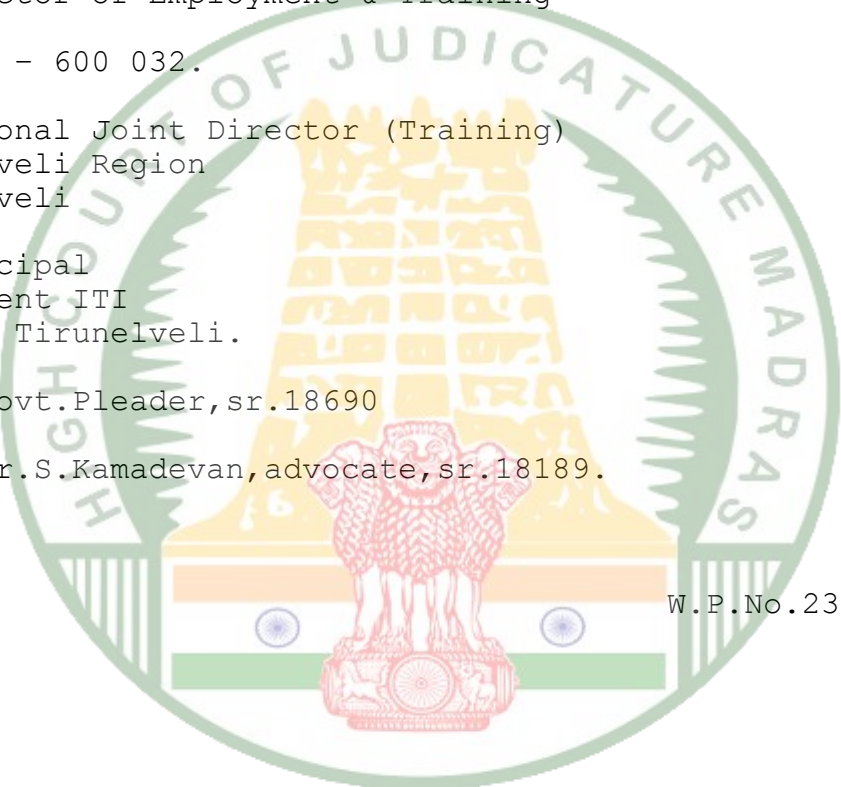
3.The Principal
Government ITI
Pettai, Tirunelveli.

+1 cc to Govt.Pleader,sr.18690

+1 cc to Mr.S.Kamadevan,advocate,sr.18189.

rsy(co)
krd 11/4

W.P.No.23750 of 2016

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital on top. The gopuram is flanked by two green pillars. The words "HIGH COURT OF JUDICATURE MADRAS" are written in a green circle around the central image. Below the gopuram, the motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script. The entire seal is overlaid with a large, semi-transparent "WEB COPY" watermark.

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