

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2017

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THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.920 of 2016
and
C.M.P.No.11657 of 2016

N.Saminathan ... Appellant/Petitioner

-vs-

- 1.Government of Tamil Nadu,
rep.by its Secretary,
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. ... Respondents/Respondents

Appeal filed filed under Clause 15 of the Letters Patent,
against the order passed by this Court in W.P.No.18426 of 2016
dated 03.06.2016.

WP.NO.18426/2016

Filed under Article 226 of the Constitution of India, issue appropriate units, orders, or directions and more particularly issuance a Writ in the nature 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 Appellant :: Mr.Balan Haridas

For Respondents:: Mr.P.S.Sivashanmugasundaram,
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by

HULUVADI G.RAMESH, J.)

This writ appeal has been filed against the order passed by this Court in W.P.No.18426 of 2016 dated 03.06.2016, wherein the prayer made by the appellant/ writ petitioner to declare the Notification dated 12.01.2016 issued by the third respondent inviting applications 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 2014-15 as arbitrary and contrary to law, has been rejected.

2.The case of the writ petitioner is that after completion of 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. Pursuant to the Government Order issued by the Government of Tamil Nadu in G.O.Ms.No.156, Labour and Employment (P2) Department, dated 28.09.2015 for recruitment to the post of Junior Training Officer in the Government Industrial Training Institute, the third respondent issued a Notification dated 12.01.2016 inviting applications through online to fill up 329 vacancies in the said post by direct recruitment for the year 2014-2015. The qualification and age limit have been mentioned in the said Notification and it has been mentioned that the application should be registered through online only. The writ petitioner states that normally the recruitment notifications issued by the Tamil Nadu Public Service Commission and other Governmental Organisations will contain the important dates regarding recruitment, date of notification, last date for making application, date of written examination etc., but these details have not been mentioned in the said Notification. In these circumstances, the appellant received a SMS message in his

mobile phone in which he was asked to download the Hall Ticket from www.skilltraining.in.gov before 21.02.2016 10.00 a.m., for the examination to be conducted on 21.02.2016. The appellant was shocked to see the said message, since without giving sufficient time, it was informed that the examination would take place on the next day. According to the appellant/ writ petitioner, he was not able to appear for the preliminary examination, since he was not able to download the Hall Ticket. Hence he filed the writ petition in W.P.No. 18426 of 2016 seeking to declare the Notification dated 12.01.2016 issued by the third respondent as illegal and arbitrary, but the said writ petition was dismissed on the ground that the Notification dated 12.01.2016 is very clear in respect of preliminary selection and that it has been clearly mentioned in the Notification that the date of written test and screening test will be indicated in the hall ticket and eligible candidates have to download the hall tickets from the website. Challenging the said order, the present appeal has been filed.

3.A counter affidavit has been filed on behalf of the first respondent denying the averments put forth by the appellant. We have also heard the learned Special Government Pleader appearing for the respondents on the submissions made by the learned counsel for the appellant.

4.On a perusal of the materials available on record, it is seen that the Notification dated 12.01.2016 issued by the third respondent is very clear. A copy of the Notification dated 12.01.2016 which has been published in the newspaper, is enclosed at Page No.11 in the typed set of papers, in which it has been clearly mentioned that the date of written test and the screening test would be indicated in the hall ticket and eligible candidates shall download the hall ticket from the website by entering the application number given in the acknowledgement slip as User ID and his / her date of birth as password.

5.The appellant / writ petitioner ought to have downloaded the hall ticket from the website and would have noted down the date of written examination. It is not as though one or two candidates have applied for the said post. About 29000 candidates have applied for the said post. When it has been clearly mentioned that the details would have to be downloaded from the website, it is not proper on the part of the appellant / writ petitioner now to state that the last date and date of written examination particulars have not been mentioned in the Notification. Thousands of candidates have attended the written test. Thus the appellant cannot have a lame excuse in challenging the original notification itself.

6.In such view of the matter, this appeal lacks merit and the same is liable to be dismissed and accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

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To

- 1.The Secretary to Government,
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.Balan Haridas, Advocate, SR.72214
+ 1 cc to The Govt.Pleader, SR.71999

W.A.No.920 of 2016
and
C.M.P.No.11657 of 2016

PVS (CO)
NR 08/11/2017

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