

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.1486 of 2016

M/s Siva Industrial Training Institute  
represented by its Correspondent  
Palani Road, Murugabavanam  
Dindigul .. Petitioner

-vs-

1. The Director/Commissioner  
Employment & Training  
Guindy  
Chennai 600 032
2. The Regional Joint Director  
Azhagarkovil Road  
Mundrumavadi  
Madurai ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent herein to publish the results of the girl students admitted to the Electrician Trade in the year 2012-2014 under the petitioner Management as per the names reflected in the annexure enclosed hereto and grant their certificates.

For Petitioner :: Mrs.G.Thilakavathi  
Senior Counsel for  
Mr.R.Gopinath

For Respondents :: Mrs.P.Rajalakshmi  
Additional Government Pleader

ORDER

M/s Siva Industrial Training Institute represented by its Correspondent filed the present writ petition seeking issuance of a mandamus directing the Director/Commissioner, Employment and Training, Guindy, Chennai, the first respondent herein to publish the results of the 15 girl students admitted to the Electrician trade in the year 2012-14 by the petitioner Management as per the names reflected in the annexure enclosed

hereto and grant their certificates.

2. Mrs.G.Thilakavathi, learned Senior Counsel appearing for the petitioner submitted that the petitioner-Institute, which was started in the year 1992, obtained approval from the Director General of Employment & Training, New Delhi through an order dated 4.9.95 in Rc.No.Aff.2/11874/1993 communicated by the first respondent for the following trades with the sanctioned strength as indicated below:-

- (i) Fitter - 1 + 1 unit
- (ii) Electrician - 2 + 2 units
- (iii) Diesel Mechanic - 2 units

Again in the year 1996, approval was granted for the following trades, namely, Mechanic Motor Vehicle/A.C.Mechanic for 1 + 1 unit and Data Process & Computer Software (DPCS) for 2 units. However, during an inspection conducted in the year 2009-10, certain infrastructural deficiencies were noted by the Regional Joint Director, Mundrumavadi, Madurai, the second respondent herein. Therefore, there was a delay in granting approval of the students list by citing the deficiencies not being rectified. The learned Senior Counsel further submitted that after rectifying the notified deficiencies, the first respondent also granted approval by the proceedings dated 9.12.2013 in respect of admission of the students for the year 2008-09. While so, the grievance of the petitioner is that when the petitioner-Institute admitted 14 students in the trade of Mechanic Motor Vehicle comprising 1+1 unit, 9 students in the trade of Fitter comprising 1+1 unit and 26 students in the trade of Electrician comprising 2+2 units, out of which 11 were boys and 15 were girls, for the year 2012-14, just before the commencement of examinations, approval was granted by the first respondent on 12.7.2014. Based on the approval granted, hall tickets were also issued on 14.7.2014 and all the students also wrote the examinations. Subsequently, the Director/Commissioner of Employment & Training, Guindy, the first respondent herein also published the results for the three trades as mentioned above. However, so far as the Electrician trade is concerned, out of 26 students who wrote the examinations, the results were declared only in respect of 11 boy students and the results in respect of 15 girl students were withheld without any reason. The learned Senior Counsel for the petitioner further submitted that when the first respondent had granted approval of admission in respect of all these 26 students, namely, 11 boy students and 15 girl students, vide proceedings dated 12.7.2014 subject to the condition that they should also satisfy the requisite attendance, admittedly, these 26 students have satisfied their attendance requirement. Therefore, after granting approval and declaring the results in respect of 11 boy students concerning Electrician trade, the first respondent cannot withhold the results of 15 girl students when they have also fulfilled the

requisite attendance like the 11 boy students. The action taken by the first respondent in withholding the results of 15 girl students clearly indicates the arbitrary exercise of power. Hence, a detailed representation was given on 19.1.2015 seeking publication of results of all these withheld students. But the respondents did not publish the results. Therefore, the petitioner was constrained to approach this Court seeking the relief as stated above.

3. Detailed counter affidavit and also an additional counter affidavit have been filed by the respondents. Mrs.P.Rajalakshmi, learned Additional Government Pleader appearing for the respondents submitted that after the approval was granted by the first respondent for the admission of all the 26 students, namely, 11 boy students and 15 girl students in the trade of Electrician for the year 2012-13 in the petitioner-Institute, it was subsequently noticed that the petitioner-Institute had not properly admitted the 15 girl students in Electrician trade. Therefore, the first respondent has withheld the results of these 15 girl students while declaring the results of 11 boy students.

4. This Court is not inclined to accept the said contention. Both the counter affidavit and the additional counter affidavit filed by the first respondent do not mention on what date show cause notice was issued to the petitioner-Institute for wrongly obtaining the order of approval in respect of all the 26 students, namely, 11 boy students and 15 girl students in Electrician trade. Paragraph-7 of the counter affidavit barely mentions that while undertaking some inspection, they came to know that 1340 trainees indulged in malpractice concerning 51 private Industrial Training Institutes. Even in paragraph-7, they have not mentioned anything about the involvement of the petitioner-Institute in any such malpractice. As mentioned above, the first respondent also miserably failed to enclose even the copy of the show cause notice addressed to the petitioner-Institute. Although the counter affidavit was filed on 22.2.2017 and the additional counter affidavit was also filed subsequently on 14.6.2017, it is not known why they have not chosen to file a copy of the show cause notice issued to the petitioner-Institute mentioning on what count they have chosen to withhold the results of 15 girl students. When the first respondent has accepted the claim of the petitioner-Institute for grant of approval of the 26 students in Electrician trade and also granted approval by the proceedings dated 12.7.2014, that indicates that the first respondent has agreed with the petitioner-Institute for admitting the 26 students in Electrician trade comprising 2+2 units, out of which 11 were boys and 15 were girls. Having issued the order of approval for the petitioner-Institute for

the year 2012-14 in respect of admission of 26 students in Electrician trade on 12.7.2014, after declaring the results of 11 boy students who underwent the Electrician trade course comprising 2+2 units, it is highly unjustifiable on the part of the first respondent in not declaring the results of 15 girl students alone. Therefore, the writ petitioner is entitled to succeed.

5. In the light of the above, the writ petition stands allowed with a direction to the first respondent to declare the results of the 15 girl students shown in the annexure to the writ petition forthwith on receipt of a copy of this order. Consequently, W.M.P.Nos.1241 of 2016 and 2918 of 2017 are closed. No costs.

Sd/-  
Assistant Registrar(CCC)

//True copy//

Sub Assistant Registrar

ss

To

1. The Director/Commissioner  
Employment & Training  
Guindy, Chennai 600 032

2. The Regional Joint Director  
Azhagarkovil Road  
Mundrumavadi, Madurai

+1cc to Mr.R.Gopinath, Advocate SR.No.76623

+1cc to Government Pleader SR.No.77043

W.P.No.1486 of 2016

NRJK (CO)

GMV (28/11/2018)

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