

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.10639 of 2017

and WMP No.11577 of 2017

The Correspondent,
St. Joseph's Industrial School/ITC
Finger Post, Udhagamandalam
Nilagiris District - 643 006 ... Petitioner

Vs.

- 1 The Director,
Department of Employment and Training,
Thiru VE.K.A Industrial Estate,
Guindy, Chennai - 600 032
- 2 The Joint Director
Department of Employment and Training,
Thiru VE.K.A Industrial Estate,
Guindy, Chennai - 600 032
- 3 The Regional Joint Director,
Office of the Regional Joint Director,
Government ITI Campus,
G.N. Mills Post, Thudiyalur,
Coimbatore - 641 029 ... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to approve forthwith the admission of the 16 students admitted in the 1st year of Carpentry and Cabinet Making Course in the petitioner School for the academic year 2016-2017 (Name of the Students Annexed).

For Petitioner : Mr.Mr.P. Godson Swaminath

For Respondents : Mr.R. Vijayakumar, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus directing the respondents to approve forthwith the admission of the 16 students admitted in the 1st year of Carpentry and Cabinet Making Course in the petitioner School for the academic

year 2016-2017 (Name of the Students Annexed).

2. The case of the petitioner is that the petitioner School was initially established in the year 1931 offering a 5 year Certificate Course in Carpentry and Cabinet Making, aided by the State Government. The second respondent granted permanent recognition for conducting the said course for three years instead of 5 years and also allowed two units with the strength of 20 students each (total 40) from the academic year 1969-1970.

3. It is also the case of the petitioner that for all these years the Government provided aid for one unit every year and the first respondent confirmed the permission granted for the Carpentry and Cabinet Making course for being run with two units (three years duration) and with 20 students each (total 40), among which, one unit was aided by the Government every year and the other one was self-financed. For all these years, the petitioner School was admitting students for the Carpentry and Cabinet Making Course during the months of July and August. The usual practice is to send proposal for approval of the admission of the students to the second respondent after the audit report is obtained from the concerned Department. Presently, there are 45 students studying in the Petitioner's school in the 1st year; 13 in the 2nd year and 9 in the 3rd year. While that being so, based on the Auditing Report dated 18.09.2016, on the premise that the permission was granted for running only two units in the Carpentry and Cabinet Making Course, the approval granted for the admission of students for the 3rd year by the third respondent was negatived. Hence seeking approval of admission of 40 students in two separate units, the petitioner approached the authorities for appropriate orders. Since no orders are forthcoming, the petitioner is before this Court.

4. The second respondent filed counter affidavit, wherein, in paragraph-10, it is stated that the petitioner commenced additional unit from the year 1999 and once in three years, the petitioner can be permitted to admit 40 students and against the norms the petitioner admitted 20 students in each of the consecutive year and hence the learned counsel for the respondent sought to dismiss the writ petition.

5. The averments made in the counter affidavit is stoutly refuted by the learned counsel for the petitioner, who submits that the petitioner has not admitted over and above 16 students and for the Carpentry and Cabinet Making Course for the academic year 2016-2017, only 16 students were admitted in the first Unit. The learned counsel strenuously submitted that at no point of time, admission in the second Unit has been commenced, that too, from the year 2014-2015 onwards.

6. At this juncture, the learned counsel for the respondents submitted that it is for the petitioner to satisfy the norms of the Department, and on such compliance, the respondents are inclined to grant permission to the third Unit. The said submission

is recorded and the petitioner is directed to place all the documents connected thereto for early consideration of the approval, which shall be done within a period of one week from the date of receipt of a copy of this order. On such submission of required documents within one week, necessary orders shall be passed within three weeks thereafter. With the above direction, the writ petition is disposed of. No costs. Consequently, connected WMP is closed.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

sr

To

1. The Director,
Department of Employment and Training,
Thiru VE.K.A Industrial Estate,
Guindy, Chennai - 600 032
- 2 The Joint Director
Department of Employment and Training,
Thiru VE.K.A Industrial Estate,
Guindy, Chennai - 600 032
- 3 The Regional Joint Director,
Office of the Regional Joint Director,
Government ITI Campus,
G.N. Mills Post, Thudiyalur,
Coimbatore - 641 029

+1 cc to Mr.P.Godson Swaminath, Advocate SR.NO. 139/18

+1 cc to the Government Pleader, High Court, Chennai SR.NO. 659/18

W.P.No.10639/2017

SV(CO)
JK 25/01/18

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