

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 27.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN**AND****THE HONOURABLE MRS. JUSTICE R. HEMALATHA****W.A. (MD) Nos. 1105 and 1106 of 2017****and****C.M.P. (MD) Nos. 7582 to 7584 of 2017 and****2515 and 2516 of 2018**

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W.A. (MD) No. 1105 of 2017

1. The Directorate General,
Employment & Training,
Ministry of Labour and Employment Training,
Shram Sakti Bhawan,
Refi Marg, New Delhi.
2. The Director,
Employment & Training,
Guindy, Chennai-600 032.
3. The Regional Joint Director,
Employment Training, Guindy,
Government Multi Department Building Campus,
Kazhamalai, Trichy-20. ... Appellants/Respondents

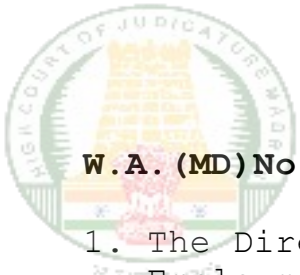
Vs.

Sri Adhisankarar Industrial Training Centre,
represented by its Correspondent,
51/12, Thiruvanaikoil,
Trichy-5. ... Respondent/Petitioner

PRAYER: Appeal filed under Clause 15 of the Letters Patent,
praying to set aside the order dated 20.04.2016 made in W.P. (MD)
No. 10802 of 2015.

Prayer in WP (MD). 10802/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent culminating in the order dated 29.05.2015 made in Na.Ka. No. 2392/B/2015 passed by the 3rd respondent and quash the same and consequently direct the second respondent to publish the results of the students of the petitioner Management admitted for the 2012-2014 academic session as per the annexure enclosed in the typeset of papers filed to this Writ Petition.

**W.A. (MD) No.1106 of 2017**

1. The Directorate General,
Employment & Training,
Ministry of Labour and Employment Training,
Shram Sakti Bhawan,
Refi Marg, New Delhi.
2. The Director,
Employment & Training,
Guindy, Chennai-600 032.
3. The Regional Joint Director,
Employment Training, Guindy,
Government Multi Department Building Campus,
Kazhamalai, Trichy-20. ... Appellants/Respondents

Vs.

Sri Adhisankarar Industrial Training Centre,
represented by its Correspondent,
51/12, Thiruvanaikoil,
Trichy-5. ... Respondent/Petitioner

PRAYER: Appeal filed under Clause 15 of the Letters Patent,
praying to set aside the order dated 20.04.2016 made in W.P.(MD)
No.10803 of 2015.

Prayer in WP(MD). 10803/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent culminating in the order dated 29.05.2015 passed by the 3rd respondent made in Na.Ka. No. 2392/B/2015 and quash the same and consequently direct the second respondent to publish the results of the students of the petitioner Management admitted for the 2012-2014 academic session as per the annexure enclosed in the typeset of papers filed to this Writ Petition.

For Appellants in both appeals	:	Mr.S.Jeya Singh for Appellant No.1 Mr.A.Muthukaruppan Additional Government Pleader for Appellant Nos.2&3
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https://hcservices.ecourts.gov.in/hcservices/ For Respondent in both appeals	:	Mrs.G.Thilakavathi Senior Counsel for Mr.R.Gopinath
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**COMMON JUDGMENT**

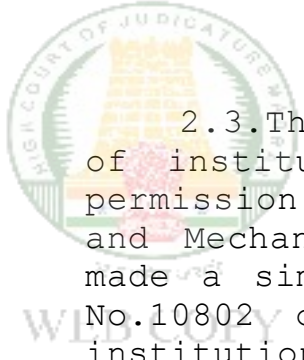
(Judgment of the Court was delivered by M.SATHYANARAYANAN,J.)

The official respondents in W.P.(MD)Nos.10802 and 10803 of 2015 are the appellants and they made a challenge to the order of the third appellant, dated 29.05.2015 in and by which, 17 students studied in the Petitioner in W.P.(MD)No.10802 of 2015 and 29 students studied in the petitioner in W.P.(MD)No.10803 of 2015 were held to be not undergone the actual training and as a consequence, they withheld the results, despite they cleared the theory as well as practical exams. The writ petitions, after contest, came to be allowed, vide common order, dated 20.04.2016. The official respondents in both writ petitions, challenging the legality of the said common order, had filed these writ appeals.

2. The facts leading to the present litigations and the relevant facts for disposal of these writ appeals are as follows:

2.1. The petitioner in W.P.(MD)No.10802 of 2015 claimed to be established in the year 1992 and started offering various technical courses viz., Electrician, Mechanic (Refrigeration & Air-conditioning), Mechanic Motor Vehicle and Mechanic (Diesel). As per the norms, the concerned students have to undergo the craftsmen training for a period of two years and thereafter, they have to take the examinations conducted by the first appellant, which is the national body through the second appellant, which is the State Level authority for the approval / the affiliation of the courses. It is also the case of the first respondent/writ petitioner that from the year 2012 onwards, the semester pattern has been introduced and as per the non-semester pattern which was existence, students were expected to undergo the examinations as conducted by the first respondent only and after admission, the verification process took to two to three months for commencement of the academic session and there was a delay in submitting the original records for the reason that the community certificates of the students were also produced to have registration of their names with the Employment Exchange Department and as such, there was a delay in submission of the relevant records to the competent authority.

2.2. It is a specific case of the writ petitioner that the approval was accorded for admission of the said students vide the proceedings of the Joint Director, Chennai, dated 19.10.2012 and before publishing the results, a show cause notice, dated 31.12.2014 was issued for which, they submitted their reply by submitting that though the students have belatedly admitted, the necessary approval has been accorded and the only reason assigned <https://hcservices.ecm.hrts.gov.in/hcservices/> there are no tenable records made available to show that they had undergone the mandatory training period.

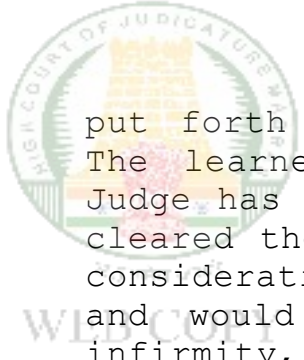


2.3. The petitioner in W.P.(MD)No.10803 of 2015 is also a group of institutions, who had stated that they have been granted permission to run Electricians, Wireman, Mechanic Motor Vehicle and Mechanic Refrigeration & Air-Conditioning courses and also made a similar statement as that of the petitioner in W.P.(MD) No.10802 of 2015. On a similar occasion, along with other institutions similarly placed, they filed W.P.Nos.1543 and 1546 of 2015. The learned Single Judge of this Court, having found the records in respect of the institutions were in the custody of the Southern Regional Office of the Department of the Employment and Training, directed the concerned officials to afford an opportunity to appear before the third respondent and demonstrate from the records in the possession of the third respondent as well as other records, which are in their custody and establish that the candidates of the respective institutions underwent the training for the full period and in compliance of the same, a committee was constituted wherein the said exercise was undertaken and ultimate by passing the impugned order.

2.4. It was found that there are some infirmities in the admission of the students, especially with regard to the training undergone by them and therefore, the impugned orders came to be passed and against which, two writ petitions in W.P.(MD)No.10802 and 10803 of 2015 were filed and they came to be allowed and hence, these writ appeals have been filed by the official respondents.

3. Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the appellants 2 and 3 would submit that in compliance of the common order dated 27.02.2015 made in W.P.No.1702 of 2015 and batch cases, a fair and reasonable opportunity had been offered to the first respondent/writ petitioners and on going through the records, the committee held that there are some infirmities in the admission of the students, especially with regard to the period of training undergone by them and therefore, rightly rejected their request to declare the results and would further add that if the education institutions are permitted to do so, the quality of the education especially the technical education would bound to suffer and hence, prays for setting aside the impugned order and consequently dismissal of the writ petitions.

4. Mrs.G.Thilakavathi, learned Senior Counsel assisted by Mr.R.Gopinath, learned Counsel appearing for the respondents has invited the attention of this Court to the impugned proceedings and would submit that even as per the contentions of the appellants, though records were made available in respect of the students who actually undergone the training, in the impugned <https://hcservices.mca.gov.in/hcservices/> has been stated that the records were submitted belatedly and also pointed out that the admission of the students was approved by the competent authority and the only impediment



put forth is that they have to undergo the practical training. The learned Senior Counsel would further add that the learned Judge has also taken note of the fact that all the students have cleared the theory as well practical examinations and taking into consideration all the facts, rightly allowed the writ petitions and would further add that in the absence of perversity or infirmity, the findings recorded by the learned Judge, may not be disturbed and prays for dismissal of the writ appeals.

5. This Court heard the rival submissions and perused the materials placed on record.

6. A perusal of the impugned proceedings would disclose that admittedly the training records of the concerned students are available with the concerned authority. It is also an admitted fact that the necessary approval has been accorded for appointment of the students and though there was some delay, it was for the reason that the delay was on account of production of the community certificates and the documents relating to the registration of the candidates in the jurisdictional employment exchange and it also took sometime on the part of the official respondents to accord approval.

7. The learned Judge has recorded the finding that the students have cleared the theory and practical examinations and as such, it cannot be stated that they have not undergone the practical training for the mandatory period. This Court has also put a specific question to the learned Additional Government Pleader appearing for the appellants 2 and 3 as to whether during the course of theory or practical examinations, any malpractice has been noted and the answer is in negative and therefore, the examinations were conducted in a fair and proper manner and as also in the impugned proceedings, it has been stated that the records relating to the students as to the period of training undergone by them is available with the concerned official and it is not even the case of the official respondents/appellants herein that the said records have been fabricated or tampered with. Though the students have cleared the examinations, for the past four years on account of the pendency of the litigations, the results could not be declared.

8. The learned Judge, on going through the materials, has also recorded the finding that the students had cleared the examinations, but, for the practical training to be undergone by them, they would not have done.

9. This Court is of the considered view that there is no infirmity or error apparent in the reasons found by the learned Judge in allowing the writ petitions and finds no merit in the writ appeals.

