

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.Nos.1712, 2755 & 4899 of 2019
and

W.M.P.No.1905 of 2019 in W.P.No.1712 of 2019

W.M.P.No.3023 of 2019 in W.P.No.2755 of 2019

W.M.P.No.5582 of 2019 in W.P.No.4899 of 2019

Private ITI (Industrial Training Institute),
Welfare Association (Regn No.140/2015)

Rep by its President,

No.260/3-2, Tiruchendur Road,

V.M.Chathiram,

Tirunelveli - 627 011.

.. Petitioner in W.P.No.1712/2019

1. Kennedy Industrial Training Institute,

Rep by its Correspondent,

Odapillaiyar Kovil (Shop),

Katpadi Main Road,

Vellore - 6, Vellore District.

2. Thamizhaga Industrial Training Institute,

Rep by its Correspondent,

Abdullaburam,

Vellore-10, Vellore District.

3. Kamatchi Industrial Training Institute,

Rep by its Correspondent,

Sekkupettai Saliya Street,

Kancheepuram - 631 501.

Kancheepuram District.

..Petitioners in W.P.No.2755/2019

Private Industrial Training Institutes under
Craftsmen Training Scheme Welfare Association
(Regn. No.74/2014),

Rep by its President,

No.16/19, Sathy Road,

Sidhod Post,

Erode - 628 102.

.. Petitioner in W.P.No.4899/2019

Vs.

- 1.The Secretary to Government,
Government of India,
Ministry of Skill Development and Entrepreneurship,
Shram Shakti Bhawan,
New Delhi - 110 001.
 - 2.The Deputy Director General of Training,
Employment Exchange Building,
ICAR Complex,
Pusa, New Delhi - 110 012.
 - 3.The National Council for Vocational Training (NCVT),
Rep by its Member Secretary,
Head Quarters, Employment Exchange Buildings,
ICAR Complex, PUSA,
New Delhi - 110 012.
 - 4.The Principal Secretary to Government,
Labour & Employment Department,
Fort St. George,
Chennai - 600 009.
 - 5.The Commissioner of Employment & Training,
Guindy,
Chennai - 600 032.
- ... Respondents in all W.Ps.

COMMON PRAYER : Writ Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to the circular issued by the second respondent in No.MSDE-18011/DGT/2017-TTC (Pt-III) dated 04.10.2018 and orders issued by the fourth respondent in G.O. (Ms) No.156 Labour and Employment (S1) Department dated 08.11.2018 and quash the same.

For Petitioners in all W.Ps.: Mr.S.Kamadevan

For RR1 to 3
in W.P.Nos.1712 & 2755/2019 : Mr.C.V.Ramachandra Murthy
Central Govt. Standing Counsel

For RR4 & 5
in W.P.Nos.1712 & 2755/2019 : Mr.A.Kumar,
Additional Advocate General
Assisted by
Mrs.P.Rajalakshmi,
Additional Government Pleader

For RR1 to 3
in W.P.No.4899/2019

: Mr.L.J.Vengatesh
Central Govt. Standing Counsel

For RR4 & 5
in W.P.No.4899/2019

: Mrs.P.Kavitha
Government Advocate

COMMON ORDER

These writ petitions have been filed by the Private Industrial Training Institutions, challenging the circular issued by the second respondent dated 04.10.2018 in No.MSDE-18011/DGT/2017-TTC (Pt-III) and orders issued by the fourth respondent in G.O.Ms.No.156 Labour and Employment (S1) Department, dated 08.11.2018.

2. The complaint of the petitioners is that the Industrial Training Institute (ITI) is offering National Council for Vocational Training Courses to the students and the minimum educational qualification fixed for the students, who opt to join the courses is a pass in X standard and for some courses, it is VIII standard. According to the petitioners, it is only these students, who are unable to pursue their higher studies, join ITIs, which offer vocational courses, so that they could get some employment, based on the skills. Now the grievance of the petitioners is that for the current academic year, the Deputy Director General of Training/second respondent had taken a decision to go for On-line examinations for ITI trainees admitted for the session starting from August, 2018.

3. According to the petitioners, the introduction of the On-line examinations offering vocational education will have a serious set back resulting in failure of the students. It is also stated that in this regard a representation was sent to the second respondent to give up the policy decision to conduct the On-line examination. However, it was not heeded to. Hence, these writ petitions are filed.

4. In the counter affidavit filed by the respondents 1 to 3, it is stated that on recommendation of All India Council for Technical Education (AICTE), the the Ministry of Labour, Government of India, appointed a committee to prepare a scheme for the establishment of All India Trades Board, which would award certificates of proficiency to craftsman in various engineers and building trades.

5. The apprehension of the learned counsel appearing for the petitioners is that the On-line pattern examination is introduced for the first time and without proper training it will be difficult for the students to take up the examinations and the failure rate would be high, which would be demoralising them.

6. The learned counsel appearing for the respondents 1 to 3 had produced a communication dated 24.04.2019 in No.RD/MS/C-18015/W.P.No.4899 of 2019/TN/2018-19, wherein, the Joint Director/HOO has communicated that the Director General of Training (DGT) is under process for selection of Agency to assist in conducting the above mentioned exam on PAN India Basis. The selection process is expected to be completed by 15.05.2019 and in case of any delay, the Computer Based Test (CBT) exam schedule may be re-scheduled accordingly to avoid any inconvenience to trainees and other stakeholders.

7. The learned counsel appearing for the petitioners submitted that as already the academic year from June to May has come to an end, further postponement of the examinations would shorten the academic year for the following year.

8. In response, the learned counsel appearing for the respondents 1 to 3 submitted that normally the examinations are conducted in the month of July and August.

9. Heard the learned counsel appearing on both sides.

10. The question that arises for consideration is, whether On-line examination system is necessary for ITI students?

11. The main reason for using On-line examination system is the overwhelming advantages one gets from using On-line examination system instead of the good old-fashioned paper system. There are very many advantages in migrating to On-line examination system. The On-line examination system saves lots of paper, time and money and above all it is more secure. The On-line examination system is completely automated and the results are instant. It does not require invigilation like a regular class room examinations.

12. There are disadvantages though in using On-line examination system. If students are using their own device, it is easy for them to retrieve answers on-line, unless there exists a fool-proof method to curb usage of net during the On-line examination. The power outages during the examination also will dampen the spirit and enthusiasm of the students, which should also be taken care of.

13. Considering all the above facts, it is a welcome aspect to make examinations go On-line, which would take away the mass copying and also improve the efficiency of the students in computer education. It is also stated that all the Government and Private ITIs are required to set up an exclusive Computer Lab with Internet connectivity and also have a subject on the same. Therefore, it would not be difficult for the students to take up the examinations On-line. It is further pointed out that the computer skills are taught under "Employability Skill subject" to all the trainees irrespective of Trade. The learned counsel also contended that On-line mock test will be made available to help the trainees to understand and familiarize with the Computer based On-line examination before the actual examination is held.

14. It is also decided to conduct the On-line examinations in two languages, one in English and other in the respective regional language selected by the trainees. Hence, the claim of the petitioners that the students coming from different regional language background will be put to difficult, is unacceptable.

15. The learned counsel for the petitioners pointed out that the selection process of the agency to assist in conducting the above mentioned exams is expected to be completed by 15.05.2019 and in case of any delay, the CBT exam schedule may be re-scheduled accordingly to avoid any inconvenience to the trainees.

16. The learned counsel appearing for the respondents 1 to 3 also expressed that the selection process would be completed by 15.05.2019 and in the event, selection process gets delayed, it was assured that the students will be given training for four weeks as required by the learned counsel appearing for the petitioners. Even it is made clear that the respondents 1 to 3 should ensure that all the students get the mock On-line test and training given at least for four weeks, before they take up the actual examinations. Though there will be the initial hiccups in migration to new system, that cannot dampen any progress made in that regard.

17. Hence, the respondents 1 to 3 are directed to complete the process of selection of agency to assist in conducting the examinations on or before 15.05.2019 and the students should be given at least one month of On-line mock test and only thereafter to be permitted to take up the examination On-line.

18. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

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To

Sub Assistant Registrar

1. The Secretary to Government,
Government of India,
Ministry of Skill Development and Entrepreneurship,
Shram Shakti Bhawan,
New Delhi - 110 001.
2. The Deputy Director General of Training,
Employment Exchange Building,
ICAR Complex,
Pusa, New Delhi - 110 012.
3. The Member Secretary,
National Council for Vocational Training (NCVT),
Head Quarters, Employment Exchange Buildings,
ICAR Complex, PUSA,
New Delhi - 110 012.
4. The Principal Secretary to Government,
Labour & Employment Department,
Fort St. George,
Chennai - 600 009.
5. The Commissioner of Employment & Training,
Guindy, Chennai - 600 032.

+1 ccs to Government Pleader, S.R.No.41259, 41315

+1 cc to Mr.L.J.Venkatesh*, Advocate, S.R.No.39719

+2ccs to Mr.C.V.Ramachandra Murthy, Advocate., S.R.No.40418& 40419

+3 ccs to Mr.S.Kamadevan, Advocate, S.R.No.40246, 40247, 40248

W.P.Nos.1712, 2755 & 4899 of 2019

KAN(CO)
SSM(30/04/2019).