

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.23104 of 2019

K.Karthikeyan

.. Petitioner

/versus/

1.The Director General of Employment & Training,  
Ministry of Labour,  
New Delhi-110 001.

2.The Director,  
Employment & Training Department,  
Guindy,  
Chennai-32

3.The Principal,  
P.R.S.Industrial Training Institute,  
Cuddalore OT 607 001.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the respondents to provide the petitioner the National Trade Certificate for the successful completion of Electrician Course in the 3<sup>rd</sup> respondent's institution.

For Petitioner : Mr.Kannan.P

For Respondents : Mr.A.Murugan for R1

Mr.N.Inbanathan, AGP for R2

No appearance for R3

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O R D E R

The petitioner herein joined the 3<sup>rd</sup> respondent institute to pursue National Trade Certificate Course (Electrician) in the year 1993. He completed the course successfully in the year 1996. On successful completion of the course, the 2<sup>nd</sup> respondent has issued provisional National Trade Certificate. Thereafter, the 1<sup>st</sup> respondent should issue regular National Trade Certificate. However, in spite of several representations, the 1<sup>st</sup> respondent has not so far issued the National Trade Certificate for his successful

completion of electrician course in the 3<sup>rd</sup> respondent institute. Hence, the present writ petition.

2. The learned counsel for the petitioner would submit that the students admitted under the sanctioned strength of DTE alone are entitled for NCT certificate. The candidates who are admitted over and above the additional unit are entitled for the certificate issued by the State Council only. The petitioner being admitted within the sanctioned strength of the 3<sup>rd</sup> respondent institute he is entitled for NCT certificate. In fact provisional NCT certificate has already issued to the petitioner provisionally on completion of the course. The permanent certificate is yet to be issued. When similar issue came up before the Division Bench of this Court, this Court in R.M.Somasundaram Vs. Director General of Employment and Training and Secretary, National Council for Vocational Training in W.A.No.801 of 2006 order dated 07.08.2009 has passed the following order:-

"9. Therefore, the following conclusions become inevitable, from the sequence of events narrated above, which are not in dispute:-

(a) that the petitioner admitted students with the permission of the State Director, who is empowered to grant such permission;

(b) that the students admitted against the additional units are entitled to Trade Certificates issued by SCVT; and

(c) that affiliation is always granted by NCVT (first respondent), only post facto and hence neither the petitioner nor the students can be found fault with.

10. In view of the foregoing conclusions, the only objection taken by the first respondent for refusing to issue National Trade Certificates to the 1995-1997 batch of students, is illegal and the writ petition is liable to be allowed."

Following the above said judgment, this Court has time and again passed similar order. Hence, the prayer sought in the writ petition is to be allowed.

3. The respondent has served with notice and the learned counsel appearing for the 1<sup>st</sup> respondent would submit that already permission has been granted to the 2<sup>nd</sup> respondent to download the certificate and issue permanent NCT certificate to the petitioner and it is for the 2<sup>nd</sup> respondent to issue certificate to the petitioner as per the instructions.

4. The learned counsel for the 2<sup>nd</sup> respondent would submit that if the petitioner is satisfied with the condition eligible for NCT certificate, the same will be issued by following the Division Bench order.

5. The respondents 1 and 2 are directed to co-ordinate and to issue NCT certificate to the petitioner within a period of six weeks from the date of receipt of copy of this order if he is eligible and entitled to get it.

6. With the above directions, the writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar(CJ conf)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Director General of Employment & Training,  
Ministry of Labour,  
New Delhi-110 001.

2.The Director,  
Employment & Training Department,  
Guindy, Chennai-32

+1cc to Mr.Kannan.P, Advocate SR.83044/19  
+1cc to Mr.A.Murugan, Advocate SR.83737/19  
+1cc to the Government Pleader SR.83669

W.P.No.23104 of 2019

NR(CO)  
CB(11/11/2019)

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