

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 27168 of 2019

and

W.M.P.Nos. 26557 & 26561 of 2019

P.Rajkumar

..Petitioner

Vs

1. The Secretary to Government,
Department of Employment and Training,
Fort St.George,
Chennai - 600 009.

2. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
VOC Nagar,
Chennai 600 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the respondents to consider the name of the petitioner to the posts of Principal ITI and Assistant Engineer (Industries) under the category MBC/DC, (PSTM) Category.

For Petitioner : Mr.R.Sivakumar

For Respondents : Mrs.R.Janaki, AGP
for R1.
Mr.Devendran
for R2.

O R D E R

The prayer sought for herein in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to consider the name of the petitioner to the posts of Principal ITI and Assistant Engineer (Industries) under the category MBC/DC, (PSTM) Category.

2. The case of the petitioner is that he belongs to MBC/DC Category (Piramalai Kallar Community). The petitioner studied his school studies until 12th in Tamil Medium. The petitioner is the District 1st rank holder in Thiruvarur District, in Physics subject, during his 12th studies. Thereafter, between 2006 to 2010, the petitioner studied B.E in the discipline of Electronics and Communication Engineering (ECE) at Coimbatore Institute of Technology, (CIT) Coimbatore. At that point of time, there was no Tamil medium for any of the Engineering Course. Therefore, the petitioner had no option than to study the B.E. Course in English medium, despite of his desire to study the same in Tamil Medium. In the State of Tamil Nadu, Tamil medium instruction in Engineering courses was introduced only in the year 2010, that too for Civil and Mechanical disciplines alone. Tamil medium instruction is not available for any other discipline even till today except civil and mechanical courses.

3. The learned counsel appearing for the petitioner would submit that after completion of engineering course in the year 2010, immediately the petitioner was employed as Engineer at Vendata Sterlite Copper Ltd. Thoothukudi, for about 4 years. In the mean time, the petitioner had passed Group-IV examination conducted by the 2nd respondent in the year 2013-14. The petitioner has attended that Group-IV examination also under Tamil medium. Presently the petitioner is working as Senior Revenue Inspector, Collectorate, Thiruvarur District for the last 5 years.

4. The second respondent issued notification dated 26.11.2018 to fill up 9 posts of Principal, ITI/Assistant Director of Training and 32 posts of Assistant Engineer (Industries). The educational qualifications prescribed for the post of Principal, ITI are (a) degree in any branch of Engineering or Technology (b) must possess working experience of 3 years in any factory or workshop. The educational qualifications prescribed for the post of Assistant Engineer (Industries) are (a) a Bachelor Degree in Engineering and (b) must possess practical experience in general purpose engineering in any workshop for a period not less than 6 months.

5. This Court also perused the notification issued by TNPSC to fill up 9 posts of Principal, ITI/Assistant Director of Training and 32 posts of Assistant Engineer (Industries).

6. In the facts and circumstances of the present case, this Court is of the opinion that such disputes cannot be dealt with by this Court and they have to be adjudicated only before the appropriate authority. Therefore, contrary to the notification, the petition to direct the respondents to consider the name of the petitioner to the posts of Principal

ITI and Assistant Engineer (Industries) under the category MBC/DC, (PSTM) Category is liable to be dismissed. However, liberty is granted to the petitioner to workout the necessary remedy before the appropriate forum in the manner known to law.

7. Accordingly, the present writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Secretary to Government,
Department of Employment and Training,
Fort St.George,
Chennai - 600 009.
2. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road,
Park Town,
VOC Nagar,
Chennai 600 003.

+1cc to Mr.R.Sivakumar, Advocate SR.79143
+1cc to the Government Pleader SR.79284

W.P.No. 27168 of 2019

PPA(CO)
CB(07/11/2019)

सत्यमेव जयते

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