

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.27665 of 2019
and
W.M.P.Nos.27179 & 27181 of 2019

K.Sathish 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
V.O.C.Nagar
Chennai 600 003

.... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to consider the name of the petitioner to the posts of Principal ITI and Assistant Engineer (Industries) under the category BC(G), (PSTM) Category.

For Petitioner : Mr.R.Sivakumar

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

O R D E R

Mrs.R.Janaki, learned Additional Government Pleader accepts notice on behalf of the 1st respondent and Mr.Ravindran accepts notice on behalf of the 2nd respondent. By consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

2.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 BC(G), (PSTM) Category.

3.The case of the petitioner is that he belongs to BC Category (E. Kallar Community). The petitioner studied his school studies upto 12th in Tamil Medium. Thereafter, between 2008 to 2012, the petitioner studied B.E in the discipline of Mechanical Engineering at Adhiyamaan College of Engineering, Hosur, Krishnagiri District. At that point of time, there was no Tamil medium instruction 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 was not available for any other disciplines even today except civil and mechanical courses.

4.The learned counsel appearing for the petitioner would submit that after completion of engineering course in the year 2012, immediately the petitioner was employed as Engineer in a Private concern at Chennai. In the mean time, the petitioner had passed Group-IV examination conducted by the 2nd respondent in the year 2019. The petitioner has attended that Group-IV examination also under Tamil medium.

5.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.

6. 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).

7. 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 BC (G), (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.

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

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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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
V.O.C.Nagar
Chennai 600 003

+1cc to Mr.R.Sivakumar , Advocate SR.No. 80459
+1cc to Mr.M.Devendran , Advocate SR.No. 80529
+1 cc to Government Pleader Sr.No. 80722

W.P.No.27665 of 2019
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A.SK(20/09/2019)