



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2019

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.4185 of 2014
and
M.P(MD).No.2 of 2014

R.James Rathinamani

... Petitioner

-Vs-

1.The Chairman
Tamil Nadu General and Distribution
Corporation Limited
144, Anna Salai
Chennai

2.The Chief Engineer
Tamil Nadu General and Distribution
Corporation Limited
144, Anna Salai
Chennai

3.The Superintending Engineer
Virudhunagar ED Circle
Tamil Nadu General and Distribution
Corporation Limited
Virudhunagar

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned selection list dated 20.02.2014 for the post of ITI Helper (Trainee) by direct recruitment 2013-2014 and quash the same and consequently direct the respondents to appoint the petitioner as ITI Helper (Trainee) by direct recruitment 2013-14 in the respondents Corporation as per the Employment Seniority by giving preference to the petitioner who has completed apprenticeship training in Tamil Nadu Electricity Board.

For Petitioner :Mr.V.Sasikumar

For R1 :Mr.G.Kasinatha Durai

For R2 &3 :Mr.S.Dhayalan



ORDER

The selection list for appointment to the post of ITI Helper (Trainee) by direct recruitment in the Tamilnadu Electricity Board, is under challenge in the present repetition.

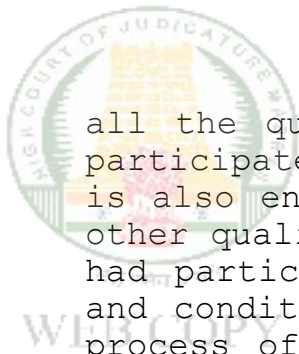
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2.The main contention of the writ petitioner is that they were sponsored to undergo apprenticeship training with the Tamilnadu Electricity Board and the Director of Apprenticeship, under the provision of the Apprenticeship Act, sponsored the writ petitioner. The Electricity Board sponsored the candidates by giving preference to the persons, who had undergone apprenticeship training with the Board. However the selection which is under challenge was concluded, on the basis of an open competitive process and no preference was given for the apprenticeship candidates. Thus, the writ petitioner is constrained to move the present writ petition.

3.This Court is of the considered opinion that the apprenticeships are provided preference by various Government Organizations as well as by the Private Companies, based on the sponsorship made by the Director of apprenticeship under the provisions of the Apprenticeship Act. The very purpose and object of the Apprenticeship Act is to provide training to the candidates after acquiring qualification and mere registration with the Directorate of Apprenticeship Training or sponsoring the name for the apprenticeship training or completion of apprenticeship training would not confer any right to secure or claim appointment.

4.Apprenticeship training is a facility provided under the Central Act, in order to impart training to the qualified candidates, mere providing of the trainings would not be a ground to claim appointment. Apprenticeship trainings are provided based on the seniority by the Directorate of apprenticeship in Private Companies, Government Boards and Corporations. Thus, it is a chance and such a chance provided to the apprenticeship trainees cannot confer any legal right to secure public appointment. In the event of providing appointment based on the apprenticeship training, undoubtedly, the equality class enunciated in the constitution is violated.

5.Equal opportunity in public employment is a constitutional mandate. Only in the event of conducting an open competitive process, equal opportunity can be provided. Apprenticeship trainings are provided based on the registration of candidates, may not prefer registered their names under the Apprenticeship Act. Thus, the open competitive process must be the method of recruitment, which is now being followed by the TamilNadu Electricity Board for all appointments. Under these circumstances, the grounds raised by the writ petitioner that he should be given preference as he has completed apprenticeship training in the Board cannot be accepted,



all the qualified persons must be provided with an opportunity to participate in the open competitive process and the writ petitioner is also entitled to participate in the said process along with all other qualified candidates. In the present case, the writ petitioner had participated, however, not selected. Having accepted the terms and conditions of the notifications and after participating in the process of selection, the condition stipulated in the notification cannot be challenged. The Supreme Court also held in many judgements that the candidates, who accepted the terms and conditions and participated in the process of selection and thereafter, he cannot challenge those condition and such writ petition cannot be entertained at all. He cannot approbate and reprobate. This being the principles to be adopted, now, the writ petitioner cannot challenge the selection list after participation in the process of selection, even otherwise also, mere completion of apprenticeship training would not confer any right on the writ petitioner to claim appointment. This being the principles to be followed, there is no infirmity in respect of the procedure followed for selection to the post of ITI Helper (Trainee) in the TamilNadu Electricity Board. The writ petitioner has not established any acceptable legal grounds for the purpose of considering his relief as such sought for in the present writ petition.

6.This apart, the selection was conducted in the year 2013-14 and the selected candidates were appointed and working for more than 5 and ½ years.

7.With the above direction, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar

To:

1.The Chairman

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+1 CC to M/s.G.KASINATHA DURAI, Advocate (SR-81723[F] dated
14/08/2019)

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MS/16.09.2019/4P.5C