

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.115 of 2020

A.Ponnudurai

.. Petitioner

.vs.

- 1.The State of Tamil Nadu,
rep.by its Secretary to Government,
Labour and Employment Department,
Fort.St. George,
Chennai - 9.
 - 2.The Joint Director (Craftsmen Training Scheme),
Directorate of Employment and Training,
Training Wing,
Thiru.Vi.Ka.Industrial Estate
Alandur Road, Guindy,
Chenna-600 032.
 - 3.The Chairman,
State Board of Technical Education and Training,
Department of Technical Education,
No.53, Sardar Patel Road,
Guindy, Chennai - 600 025.
- ... Respondents

Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to fill up the vacancies in the 329 posts of Junior Training Officer notified by the 1st Respondent for direct recruitment to the post of Junior Training Officer in the Government Industrial Training Institutes in the State of Tamil Nadu for the year 2014-2015 with candidates including the Petitioner who have secured marks eligible for the post of Junior Training Officer in the order of merit and as per the communal roster within a time frame to be fixed by this Court.

For Petitioner : Mrs.Nalini Chidambaram Senior Counsel
for Mrs.C.Uma

For Respondents: Mr.P.S.Sivashanmugasundaram
Special Government Pleader

O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus directing the respondents to fill up the vacancies in the post of Junior Training Officer that was notified by the 1st respondent for direct recruitment in the year 2014-2015.

2.The case of the petitioner is that a Notification was issued by the 2nd respondent on 12.01.2016, calling for applications to fill up 329 posts of Junior Training Officers. The petitioner applied for the said post and he passed the screening test and by letter dated 10.10.2018, he was called for the Practical Skill Test, Teaching Ability Test and Personal Interview on 08.11.2018. The petitioner attended the interview. The grievance of the petitioner is that after more than four years, the process of filling up the vacancies started only in the year 2018 and even now, there are vacancies to the said post. Therefore, the petitioner has made a request to the effect that all the candidates including the petitioner can be considered to be given appointment to the post of Junior Training Officer in accordance with their eligibility and in the order of merit as per the communal roster.

3.Mrs.Nalini Chidambaram, learned Senior Counsel appearing on behalf of the petitioner submitted that the petitioner secured 74.8 marks in Practical cum Teaching ability Test and Oral interview. The learned Senior Counsel submitted that the name of the petitioner did not find place in the provisional list that was published by the respondents in the year 2018 since the candidates with higher marks were selected. The learned Senior Counsel further submitted that there are several vacancies that are yet to be filled up since some of the candidates did not join duty. Therefore, the learned Senior Counsel submitted that these vacancies can be filled up with the candidates who have secured the cut-off marks and it can be done in the order of merit as per the communal roster.

4.Per contra, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader appearing on behalf of the respondents submitted that the petitioner was not selected since the selected candidates had obtained higher marks than the petitioner. The learned counsel submitted that insofar as the vacancies are concerned, the filling up of the vacant posts can be considered only based on merits and in accordance with the communal roster. Therefore, the learned counsel submitted that the petitioner cannot claim any positive direction from this Court to consider his candidature for appointment.

5.This Court has carefully considered the submissions

made on either side and the materials available on record.

6.It is clear from the affidavit filed in support of the Writ Petition as well as the submission made by the learned Senior Counsel appearing on behalf of the petitioner that the petitioner is not seeking for any positive direction from this Court to appoint the petitioner to the post of Junior Training Officer. The limited relief that has been sought for in this Writ Petition is that there are certain vacancies which are available in view of the fact that some candidates did not join duty after they were selected and therefore, these vacancies can be filled by the respondents by considering the candidates who have secured sufficient marks and in the order of merit, as per the communal roster.

7.In view of the limited relief that has been sought for in this Writ Petition, there shall be a direction to the 2nd respondent to see if there are available vacancies yet to be filled up in the post of Junior Training Officer. If the vacancies are available, the 2nd respondent is directed to consider those candidates who have secured eligible marks in the order of merit and as per the communal roster and fill up the vacancies with those candidates. Ultimately, the vacancies must not go unfilled and therefore, the 2nd respondent has to necessarily take up this exercise. The 2nd respondent shall complete this process within a period of four weeks from the date of receipt of copy of this order. The petitioner is directed to make a fresh representation to the 2nd respondent along with a copy of this order.

This Writ Petition is disposed of accordingly. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

KP

To

1.The Secretary to Government,
State of Tamil Nadu,
Labour and Employment Department,
Fort.St. George,
Chennai - 9.

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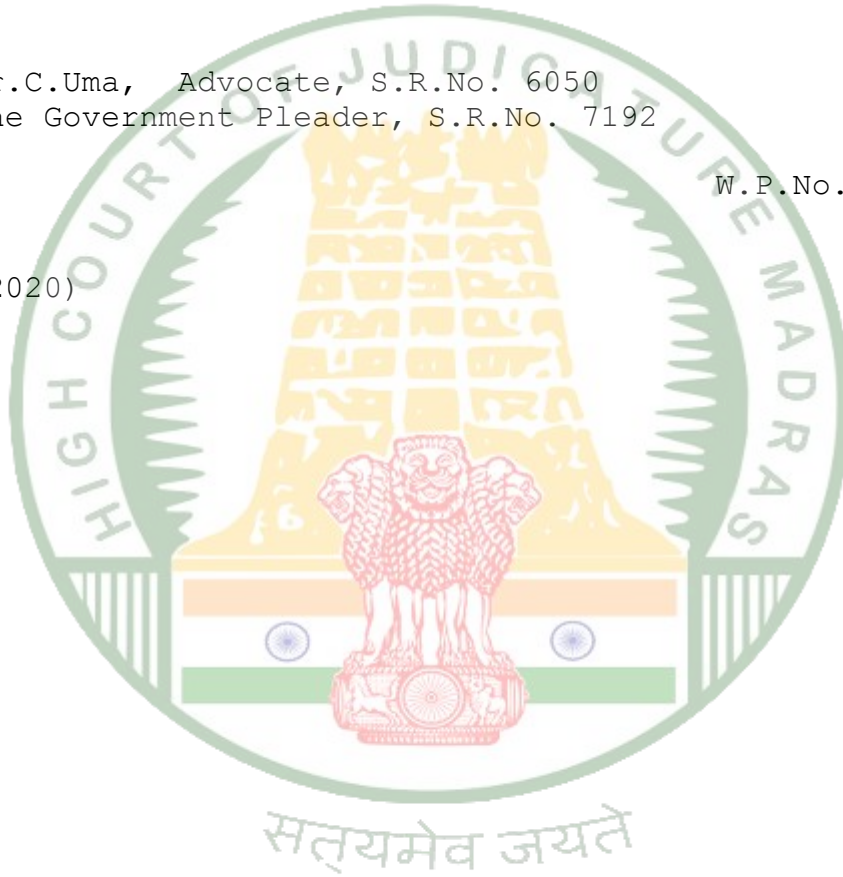
2.The Joint Director (Craftsmen Training Scheme),
Directorate of Employment and Training,
Training Wing,
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3.The Chairman,
State Board of Technical Education and Training,
Department of Technical Education,
No.53, Sardar Patel Road,
Guindy, Chennai - 600 025.

+1cc to Mr.C.Uma, Advocate, S.R.No. 6050
+1cc to the Government Pleader, S.R.No. 7192

W.P.No.115 of 2020

SSI (CO)
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