



WEB COPY

W.P(MD)No.4408 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2020

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.4408 of 2020

and

W.M.P(MD) No.3706 of 2020

P.Rethinakumar

.. Petitioner

Vs.

1.State of Tamil Nadu

Rep by its Principal Secretary,
Department of Labour and Employment (S1),
Fort.St.George,
Chennai-9.

2.The Commissioner of Employment and Training,
O/o. The Commissioner of Employment and Training,
Guindy, Chennai-32.

3.The Regional Joint Director-Employment,
District Ex Service Men Welfare Office Complex,
No.16, Williams Road,
Contonment, Trichy District-01.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondent No. 1 to 3 to consider the claim of the petitioner to appoint the petitioner to the post of Mechanic in any of the suitable post under any of the Government Departments, Public Sector Undertakings, Corporations, Boards Etc by relaxing the age limit in the light of G.O.Ms.No.116, Labour and Employment S1 Department, dated 19.09.2018 within the time frame stipulated by this Court.

For Petitioner

: Mr.T.Lajapathi Roy

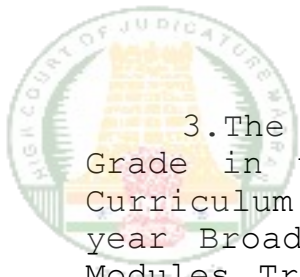
For Respondents

: Mr.M.Murugan,
Government Advocate

ORDER

This writ petition has been filed for issuance of a Writ of Mandamus to direct the respondents 1 to 3 to consider the claim of the petitioner and to appoint him to the post of Mechanic in any of the Government Departments, Public Sector Undertakings, Corporations, Boards, etc., by relaxing the age limit in the light of G.O.(Ms.)No.116, Labour and Employment (S1) Department, dated 19.09.2018.

2.Mr.M.Murugan, learned Government Advocate, takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



3.The case of the petitioner is that he has completed his 10th Grade in the year 2004. The Centre of Excellence (CoE) Course Curriculum was introduced in the year 2005, which provided for one year Broad Based Training (BBBT) followed by six months Advanced Modules Training and six months Specialized Module Training, which included in plant training in Industries under Apprenticeship Act. The Centre of Excellence Course in 10 sectors were introduced in 19 Government Industrial Training Institutes from the year 2005-2006 to 2008-2009.

4.According to the petitioner, he joined the Production and Manufacturing Sector at Government Industrial Training Institute, Trichy and completed the period of training from August, 2006 to September, 2008 and he had also completed the six months advance module of Jiggs and Fixture Training and he was issued with a National Trade Certificate by the National Council for Vocational Training. In spite of successfully completing the said course, he was not considered for the purpose of employment. Therefore, he approached the respondents and it was informed that the proposal of considering the National Trade Certificates in Trades under Centre of Excellence scheme awarded to the successful trainees as Equivalent to the National Trade Certificate in Conventional trades under Craftsmen Training Scheme for the purpose of employment, was pending consideration and therefore, the petitioner was not considered.

5.The petitioner further contends that after a long struggle of 10 years, the Government issued G.O.(Ms.)No.116, Labour and Employment (S1) Department, dated 19.09.2018, wherein it is stated that the Government after careful examination accepts the proposal of Director of Employment and Training and accordingly, recognizes the National Trade Certificates in trade under Centre of Excellence Scheme (i.e., BBBT + Advance Modules Training) awarded to the successful trainees as equivalent to the National Trade Certificates in Conventional Trades under Craftsmen Training Scheme for the purpose of Employment to suitable posts under Government Departments, Public Sector Undertakings, Corporations, Board Autonomous Bodies, etc. and for lateral entry in Polytechnics in the State and the details of the Centre of Excellence trades and the equivalent Craftsmen Training Scheme are mentioned in the annexure. Therefore, the petitioner is also entitled for employment, since the issue was pending consideration for more than 10 years. The petitioner also made a representation to the respondents 1 to 3 on 17.12.2019 to consider him for the purpose of employment in the post of Mechanic in any of the Government Departments, Public Sector Undertakings, Corporations, Boards, etc., by relaxing the age limit in light of G.O.(Ms.)No.116, Labour and Employment (S1) Department, dated 19.09.2018. But, the same has not considered so far. Therefore, the petitioner has come forward with the present writ petition.



6. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

7. Though the learned counsel for the petitioner has sought for a larger relief, he restricted the prayer to consider the representation of the petitioner, dated 17.12.2019, in the light of G.O.(Ms.)No.116, Labour and Employment (S1) Department, dated 19.09.2018.

8. Considering the limited scope of prayer sought for, this Court, without adverting to the merits of the case, directs the respondents to consider the representation of the petitioner, dated 17.12.2019 and pass orders on merits and in accordance with law and also in the light of G.O.(Ms.)No.116, Labour and Employment (S1) Department, dated 19.09.2018, within a period of twelve (12) weeks from the date of receipt of a copy of this order. While sending the copy of this order, the petitioner shall enclose the copy of the representation, dated 17.12.2019 to the respondents.

9. With the above directions, this Writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

smn

To

1. The Principal Secretary to Government,
Department of Labour and Employment (S1),
Fort.St.George, Chennai-9.

2. The Commissioner of Employment and Training,
O/o. The Commissioner of Employment and Training,
Guindy, Chennai-32.

3. The Regional Joint Director-Employment,
District Ex Service Men Welfare Office Complex,
No.16, Williams Road,
Contonment, Trichy District-01.

+1cc to M/S.T.LAJAPATHI ROY, Advocate, Sr.No.9958

+1cc to Spl.Government Pleader, Sr.No.1008

ORDER MADE IN
W.P(MD)No.4408 of 2020 and
W.M.P(MD) No.3706 of 2020
02.03.2020

SMA/19/03/2020/3P/6C

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