



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2020

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WEB COPY

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.15765 of 2014  
and  
M.P. (MD)Nos.1 and 2 of 2014

M.Sivadhas

... Petitioner

Vs.

- 1.The Director,  
Employment and Training  
Government of India,  
Ministry of Labour and Employment,  
New Delhi-110 001.
- 2.The Secretary  
National Council for Vocational Training  
Government of India,  
Ministry of Labour and Employment  
New Delhi-110 001.
- 3.The Secretary,  
State Council for Vocational Training,  
Guindy,  
Chennai-600 032.
- 4.The Director,  
Employment and Training  
Guindy, Chennai-32.
- 5.The Principal  
St.John's Industrial Training Centre,  
Marthandam-629 165,  
Kanyakumari District.

...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 of the impugned communication of the fourth respondent in his proceedings Na.Ka.No.4452/Tho.The.2/2014, dated 26.02.2014 and quash the same as illegal and consequently, direct the respondents to issue the original National Trade Certificate to the petitioner forthwith.



For Petitioner: Mr.C.Kishore

For R1 & R2 : Mr.P.Paul Pandi  
CGSC

For R3 & R4 : Mr.G.Arjunan  
Government Advocate

For R5 : Mr.B.Tamil Nidhi

**ORDER**

The impugned order dated 26.02.2014 rejecting the claim of the writ petitioner to issue NCVT trade certificate is under challenge. Further direction is sought for to issue original National Trade certificate to the petitioner forthwith.

2.The claim of the petitioner is that he had undergone Electrician Trade in the Industrial Training Institute of the fifth respondent. The fifth respondent is a private Industrial Training Institute. The petitioner was admitted in the year 1995 and completed the course of Electrician Trade in the year 1997. However, the National Trade Certificate was not issued to the petitioner.

3.The Director of Employment and Training in the impugned proceeding dated 26.02.2014 has stated that the Electrician Trade in the fifth respondent Industrial Training Institute had not been recognised during the year 1995. When the National Council for Vocational Training has not recognised the Electrician Trade during the particular year , then, National Trade Certificate cannot be issued. In the absence of recognition, certificate cannot be issued in favour of the petitioner. If at all any misrepresentation or fraudulent activities on the part of the fifth respondent, then, it is left open to the petitioner to seek appropriate relief against the fifth respondent. However, the National Trade Certificate cannot be granted in view of the fact that there was no recognition of the said Electrician Trade during the relevant point of time. Accordingly, the relief as such sought for cannot be granted and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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**Note:** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Secretary,  
State Council for Vocational Training,  
Guindy,  
Chennai-600 032.

2.The Director,  
Employment and Training  
Guindy, Chennai-32.

+1 CC to M/s.B. TAMILNIDHI, Advocate ( SR-22551[F] dated 24/11/2020 )

+1 CC to M/s.P. PAUL PANDI, Advocate ( SR-22600[F] dated 24/11/2020 )

+1 CC to SGP ( SR-22993[F] dated 26/11/2020 )

+1 CC to M/s.C. KISHORE, Advocate ( SR-22742[F] dated 24/11/2020 )

W.P. (MD)No.15765 of 2014

23.11.2020

SSS (CO)

NR (07/12/2020) 3P : 7C