

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.22705 of 2014
& W.M.P.No.4148 of 2016

N.Mubarack

... Petitioner

Vs.

1. The Government of Tamilnadu rep. by
the Secretary, Employment and Training Department,
Secretariat, Chennai - 600 009.
 2. The Regional Joint Director of Training,
No.222 H, Tharani Building,
GN Mills Post, Coimbatore - 641 029.
 3. The Director,
Employment and Training,
Guindy, Chennai - 600 032
- ... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the third respondent to appoint the petitioner in the respondents department in any one of the post on considering his educational qualification or to pay compensation to him of Rs.20 lakhs for not getting the NTC Certificate for the petitioner in time and also issued belatedly after receiving from the authorities for which he has made a representation dated 31.10.2013 to the third respondent.

For Petitioner : Mr.R.Malaichamy

For Respondents: Mr.S.Thangavel
Special Government Pleader

ORDER

Heard both sides and perused the materials brought on record.

2.This writ petition has been filed seeking a direction to the third respondent to appoint the petitioner in the respondent department in any one of the post on considering his educational qualification or pay compensation for not getting the NTC Certificate in time and issued belatedly to the petitioner.

3.According to the petitioner, he studied Mechanical Motor

Vehicle (MMV) Course in the year 1998 - 2000 at Mohana ITC, Harur and he was issued Provisional National Trade Certificate (NTC). While so, the said institute was closed. After several representations, the third respondent instructed the second respondent to prepare the certificate on behalf of the Institute and sent to DGE&T, New Delhi for counter signature of the Secretary, NCVT and the second respondent inturn, did so and issued NTC to the petitioner on 09.04.2010. Due to delay in getting the NTC, the petitioner crossed the age of 30 years and lost all chances of getting employment from the Central/State Government. Therefore, the respondents are liable either to give an appointment to the petitioner or pay compensation of Rs.20 lakhs for their failure in furnishing the certificate belatedly to him. In this regard, the petitioner made a representation dated 31.10.2013 to the third respondent. Finding no response on the said representation, he has come up with this writ petition for the aforesaid relief.

4. Denying the averments made in the affidavit filed in support of this writ petition, the third respondent filed a detailed counter affidavit, wherein, it is inter alia stated that the petitioner was issued with the Provisional National Trade Certificate which is valid for getting any employment opportunities till he receives the NTC. It is further stated therein that the petitioner has an option to apply for the post of Instructor in the Department through direct recruitment and he will be given a chance to appear in the written test and interview to be conducted for selection and if he succeeds, he will be given appointment.

5. In the light of the aforesaid averments made in the counter affidavit filed by the third respondent, this Court is of the opinion that nothing remains to be done in this writ petition and hence, the same is closed. No costs. Consequently, connected miscellaneous petition is also closed.

सत्यमेव जयते

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

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Sub Assistant Registrar

vrc

To

1. The Secretary, Employment and Training Department,
Secretariat, Chennai - 600 009.

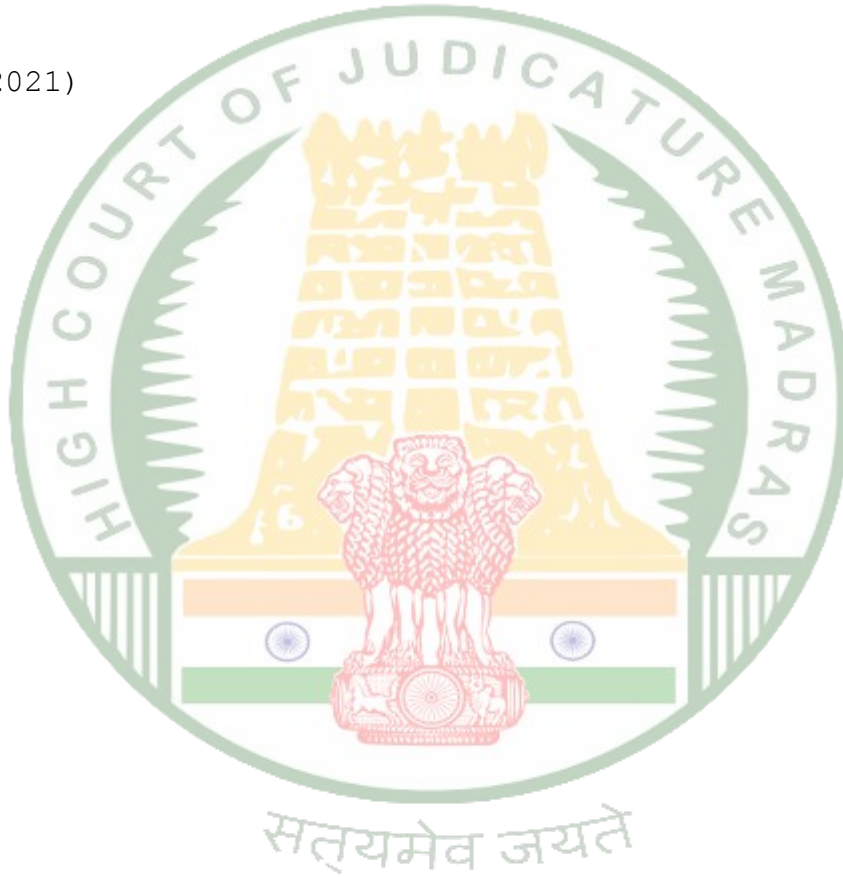
2. The Regional Joint Director of Training,
No.222 H, Tharani Building,
GN Mills Post, Coimbatore - 641 029.

3. The Director,
Employment and Training,
Guindy, Chennai - 600 032.

+1cc to Mr.R.Malaichamy, Advocate, S.R.No. 3570
+1cc to the Government Pleader, S.R.No. 3159

W.P.No.22705 of 2014

RSI (CO)
GN(16/06/2021)



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