



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.A. (MD)No.1202 of 2020

WEB COPY

A.Velankanni

... Appellant/Writ Petitioner

Vs.

1.The District Employment Officer,
Thoothukudi District,
Thoothukudi.

2.The Directorate of Employment and Training,
Government of Tamil Nadu,
Guindy, Chennai - 600 032.

3.The Secretary,
Department of Employment and Training,
Government of Tamil Nadu,
Fort St. George, Chennai.

4.The Principal Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George, Chennai.

... Respondents/Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent Act to set aside the order passed by this Court in W.P.(MD)No.2547 of 2014, dated 15.10.2020.

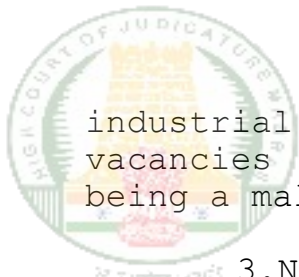
For Appellant	:	Mr.I.Robert Chandrakumar
For Respondents	:	Mrs.J.Padmavathi Devi
		Special Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This appeal has been preferred by the appellant seeking a Writ of Mandamus forbearing the respondents from appointing any person to the post of Junior Training Officer [Electrician] without having the basic qualification of experience registered with the District Employment Exchange Officer under NCO Code No.85190.

2.The appellant is one among the candidates seeking appointment to the post of Junior Training Officer in the year 2014. The Joint Director [Craftsmen Training] Directorate of Employment and Training, Chennai, notified three vacancies. The qualification prescribed was 10th Standard Pass and NTC with three years industrial experience / 10th Standard and NAC Pass with two years



industrial experience in the Trade of Electrician. All the three vacancies were earmarked for Women and therefore, the appellant being a male, did not have any chance for consideration.

3. Now, the sum and substance of the grievance of the appellant is that, the concerned Government Order viz., G.O.(Ms) No.156, Labour and Employment (P2) Department, dated 28.09.2015, stipulates that for direct recruitment of Junior Training Officer in the Government Training Institute, the qualification is 10th Standard Pass and NTC with three years industrial experience. Similarly, the other qualification is 10th Standard and NAC Pass with two years industrial experience. Therefore, a person without industrial experience cannot be considered for the said post.

4. The learned Single Judge dismissed the Writ Petition by holding that the appellant after a period of six years, cannot have a grievance at this point of time and in any case, the respondents will have to appoint the candidates strictly in accordance with the rules in force.

5. The learned counsel appearing for the appellant submitted that the persons without qualification are being appointed.

6. We are not dealing with the Public Interest Litigation, as it obviously not maintainable in a service matter. The appellant has not challenged any such appointment nor he is entitled for the same, as three vacancies notified at the relevant point of time were reserved only for Women. The learned Single Judge himself has stated that the respondents shall follow the rules. Thus, the grievance of the appellant with respect to non-following of the rule would get satisfied by the order of the learned Single Judge himself.

7. In such view of the matter, we do not find any error in the order passed by the learned Single Judge warranting interference by this Court. However, we make it clear that the order of the learned Single Judge, which mandates the appointing authorities to make sure the qualifications are complied with as to the existing rules, shall be followed in letter and spirit.

8. Accordingly, this Writ Appeal is dismissed. No costs.

Sd/-

Assistant Registrar

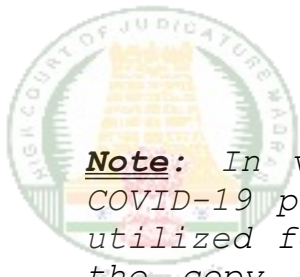
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Sub Assistant Registrar(CS)

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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 District Employment Officer,
Thoothukudi District,
Thoothukudi.
- 2.The Directorate of Employment and Training,
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- 4.The Principal Secretary to Government,
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Fort St. George, Chennai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-164[F] dated 05/01/2021)

+1 CC to M/s.GP (SR-120[F] dated 05/01/2021)

W.A. (MD)No.1202 of 2020
04.01.2021

(MK) CO
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