



WEB COPY

W.P.No. 23233 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 04.11.2022**

CORAM

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

**W.P.No. 23233 of 2019**

T. Thirumoni

... Petitioner

Vs.

1. The Director General of  
Employment and Training,  
National Council for Vocational  
Training,  
Sharam Sakthi Bhavan,  
New Delhi – 1.

2. The Director ,  
Department of Employment  
and Training,  
Guindy,  
Chennai – 600 032.

3. The Regional Joint Director of  
Training,  
Perumalpuram,  
Behind EPF Office,  
Tirunelveli – 7.

... Respondents



**Prayer:** Writ Petition filed Under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to issue National Trade Certificate to the petitioner in Wireman bearing Roll No. 1110582 for the year 1993-1995.

For Petitioner : Mr. N. Palani Kumar  
for Mr. P. Kannan Kumar

For Respondents : R1- No appearance  
Mr. S. John J. Raja singh  
Additional Government Pleader  
for R2 and R3

### **ORDER**

Writ of Mandamus has been instituted to direct the respondents to issue National Trade Certificate to the petitioner in wireman bearing Roll.No. 1110582 for the year 1993-1995.

2. The petitioner passed S.S.L.C. Examination and thereafter, he joined NCVT course in wireman with the Technical Institute of Engineering and Industrial Training Centre, Nagercoil during the year 1993-1995. The said institute was affiliated with the respondents 1 to 3.

3. The Technical Institute of Engineering and Industrial Training Centre, Nagercoil commenced the course as per the standing committee inspection and recommendation for affiliation. Thereafter, admitted the



students. The petitioner has completed the course for the wireman trade in the above institution successfully and he was allowed to participate in the examination held in July 1995. The petitioner had written the National Trade Certificate examination and he secured 604/700 in the examination and he was declared pass in the said examination.

4. The learned counsel for the petitioner mainly contended that the petitioner was already declared passed in the National Trade Certificate examination held in July 1995. However, the National Trade Certificate was not issued to him so far and thus he is unable to secure employment elsewhere. The petitioner in this regard sent several representations to the respondents and there was no response and thus the present writ petition is filed.

5. The learned Additional Government Pleader appearing on behalf of the respondents objected the said contentions raised on behalf of the writ petitioner by stating that the institute, in which, the petitioner completed his course, did not possessed the valid affiliation at the time of admission of the petitioner in the wireman trade and therefore, the respondents cannot issue National Trade Certificate in favour of the writ petitioner. The petitioner,



admittedly, joined in Wireman Trade Course, which is a two year course in the third respondent institute and he undergone the training during the academic year 1993 -1995. In the training manual issued by the DGT, New Delhi, students were allowed for the academic session for the ITI and in this regard, the Inspection Report of the Standing Committee was forwarded. As per the NCVT norms, the institute should be equipped with standard tools and equipments and infrastructures as prescribed under the syllabus. Following the procedures as issued in the training manual, the third respondent had admitted trainees from August 1993 in anticipation of getting the affiliation. But, affiliation for 2<sup>nd</sup> unit of wireman trade was obtained only with effect from 1994, vide DGT, New Delhi affiliation order dated 22.02.1996.

6. Considering the facts as stated above, the course of wireman trade was affiliated in Technical Institute of Engineering and Industrial Training Centre. The delay in granting affiliation happened on account of the delay in placing the Standing Committee Inspection Report. However, the students were admitted in the academic year 1993 in anticipation of the affiliation and the inspection was also conducted. The administrative delay or delay in complying certain defects pointed out by the Standing Committee by the



institution, the trainees admitted for the Academic Year 1993 shall not be affected. The trainees undergone the courses in the institute. The affiliation was not rejected, but inspection was conducted and on account of certain defects pointed out by the Standing Committee, there was a delay in granting affiliation and finally the affiliation was granted by the Director General of Training in proceedings dated 22.02.1996 and the said affiliation was given effect from 1994, when the petitioner was studying the first year training course. The petitioner was accordingly allowed to continue second year wireman trade course and he had participated in the final examinations held in July 1995. When the respondents have allowed the petitioner to participate in the National Trade Certificate examination in July 1995, and declared the result, the petitioner cannot be deprived of the National Trade Certificate, for which, he is entitled.

7. In this regard, the learned counsel for the petitioner relied on the judgment of the Hon'ble Division Bench of this Court dated 07.08.2009 in W.A.No. 801 of 2006. In the said judgment, the Hon'ble Division Bench has clearly made an observation as follows:

*iii) The Directorate General of Employment and Training, Delhi has granted permanent affiliation to Electrician Trade and Mechanical*



*Refrigeration and Air-conditioning Trade from 1996 in spite of the fact that the pre-inspection reports-related to the years starting from 1993 for the various units of the Electrician and Mechanical Refrigeration and Air-Conditioning Trades. The minutes of the meeting of the sub-committee of National Commission for vocational training dealing with the affiliation of Industrial Training Institute held on 29.01.1997 at the Directorate General of Employment and Training Head Quarters, New Delhi, it has been decided that the affiliations of various trades can be granted from the date of pre-inspection. This condition has to be applied for all cases upto the year 1996. The request made in the writ petition falls strictly within this category. "*

8. It is brought to the notice of this Court that the National Trade Certificate was issued to all the similarly placed persons, pursuant to the directions issued by the Hon'ble Division Bench. That being the factum established, the petitioner is also entitled for the relief. Accordingly, the respondents are directed to issue National Trade Certificate to the petitioner for the wireman trade bearing Roll No. 1110582, for the academic year 1993-1995. The said National Trade Certificate is directed to be issued within a period of six weeks from the date of receipt of a copy of this order.



9. With this direction, the writ petition stands allowed. No costs.

WEB COPY

04.11.2022

mrn

Index : Yes / No

Speaking order / Non-Speaking order

To

1. The Director General of  
Employment and Training,  
National Council for Vocational  
Training,  
Sharam Sakthi Bhavan,  
New Delhi – 1.
2. The Director ,  
Department of Employment  
and Training,  
Guindy,  
Chennai – 600 032.
3. The Regional Joint Director of  
Training,  
Perumalpuram,  
Behind EPF Office,  
Tirunelveli – 7.



WEB COPY

W.P.No. 23233 of 2019



**S.M.SUBRAMANIAM, J.**

mrn

**W.P.No. 23233 of 2019**

**04.11.2022**