



W.P(MD)No.16828 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16828 of 2022

and

W.M.P.(MD)No.12214 of 2022

Mohamed Abdul Kalam

... Petitioner

Vs.

- 1.The Director General,
Department of Labour and Employment,
Government of India,
Sharam Shakthi Bhawan,
Rafi Marg, New Delhi – 110 001.
- 2.The Secretary,
Department of Labour and Training,
Secretariat,
Fort St.George,
Chennai.
- 3.The Joint Director, Training Wing,
The Department of Employment of Training,
Alandur Road,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.
- 4.Department of Employment and Training,
S.No.870/8, NGO 'B' Colony,
Behind EPT Office,
Near RTO Office,
Tirunelveli – 627 007.



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5.The Principal,
Government Industrial Training Institute,
Kadayanallur,
Tenkasi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to condone the lack of attendance of 7% in the petitioner's attendance and further to issue to petitioner hall ticket and to permit the petitioner to appear for all India Trade test – 2022 to be started on 01.08.2022 in the Trade of Election at the 5th respondent Government Industrial Training Institute.

For Petitioner : Mr.M.Shema Daniel

For Respondents : Mr.M.Sarangan,
Addl. Government Pleader for R2 to R5.

ORDER

Heard the learned counsel on either side.

2.The writ petitioner underwent I.T.I. course in the fifth respondent institute. The petitioner has not been issued with the hall ticket for the trade test which commence from 01.08.2022. That led to the filing of this writ petition.



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3. When the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents 2 to 5 submitted that for 195 days classes were conducted by the institute during the relevant period. The attendance requirement is 80%. The principal can relax by 10%. In other words, if the student candidate has 70% attendance, then he is eligible for condonation. In this case, according to the learned Additional Government Pleader the petitioner had attended the class only for 114 days. That come to only 58%. The learned counsel for the petitioner asserts that the petitioner is having 63% attendance. Even that is below the condonable limit. In matters regarding attendance, the Courts do not have any discretion. The norms laid down by the educational institutions will have to be squarely complied with. The learned Additional Government Pleader produced a circular dated 30.06.2022 issued by the Government of India. It is as follows:-

“State CoE/RESDE Exam Arrangement for Aug 2022

- Review Meeting (30-06-2022)

1. Updating the attendance/Sessional marks within the timelines.-

Link is opened in NCVTMIS port

Last Date : 5/7/2022

2. Attendant Criteria. : 80%

a) ITI principal have rights to provide 10% relaxation (70-79% to 80%) in attendance, through force eligibility via ITE



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approver rights.

b) SSDEC have been empowered to decide the number of working days.”

4.In this view of the matter, I am not able to grant relief. However, I make it clear that the petitioner has to redo only the second year alone.

5.With this observation and clarification, the writ petition is dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

29.07.2022

Index : Yes / No
Internet : Yes/ No
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To:

1.The Secretary,
Department of Labour and Training,
Secretariat,
Fort St.George,
Chennai.

2.The Joint Director, Training Wing,
The Department of Employment of Training,
Alandur Road,
Thiru-vi-ka Industrial Estate,
Guindy, Chennai – 600 032.



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3. Department of Employment and Training,
S.No.870/8, NGO 'B' Colony,
Behind EPT Office,
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4. The Principal,
Government Industrial Training Institute,
Kadayanallur,
Tenkasi District.



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G.R.SWAMINATHAN, J.

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