



W.P.(MD)No.1862 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2022  
CORAM

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P.(MD)No.1862 of 2016**

**and**

**W.M.P.(MD).Nos.1616 of 2016 and 11446 of 2018**

S.Balan

... Petitioner

Vs.

1.The Secretary,  
Department of Employment and Training,  
Government of Tamil Nadu,  
Fort Saint George, Chennai.

2.The Joint Director, (Craftsmen Training),  
The Directorate of Employment and Training,  
Government of Tamil Nadu,  
Guindy,  
Chennai – 600 032.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the Impugned Notification dated 12.01.2016 on the file of the second respondent for recruitment to the post of Junior Training Officer in Government Industrial Training Institutes in the State of Tamil Nadu for the year 2014-15 in so far as the Junior Training Officer/Instructor (MMCP field) is concerned and quash the same and further directing the second respondent to call for the candidates with NTC (MMCP) Certificate Holders to fill up the post of Junior Training Officer/Instructor (MMCP) in the direct recruitment to the post of



W.P.(MD)No.1862 of 2016

Junior Training Officer in Government Industrial Training Institutes in the State of Tamil Nadu for the year 2014-15.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mrs.D.Farjana Ghoushia,  
Special Government Pleader.

### **ORDER**

This Writ Petition is filed challenging the notification dated 12.01.2016 for recruitment to the post of Junior Trainee Officer.

2. The contention of the petitioner is that he joined the Industrial Training Institute in Mechanical Maintenance Chemical Plant (MMCP) and obtained National Trade Certificate (NTC) in the year 1996 and National Apprenticeship Certificate (NAC) in the year 1998 and registered with Employment Exchange. The qualification prescribed for the post of Junior Assistant / Instructor is either obtaining Diploma or NTC and NAC Certificate with experience and the ratio of 1:1 is followed. On 12.02.2013, one Vengadakrishnan promoted as Trainee Officer leaving the post of Junior Training Officer / Instructor vacant. A newspaper report dated 04.07.2015 was issued proposing to make appointments to the post of Junior Training Officer / Instructor. The respondents called for the



W.P.(MD)No.1862 of 2016

WEB COPY

list of candidates possessing Diploma in so far as the Junior Trainee Officers in MMCP. As per the amended Rule 2 of the Special Rules for Tamil Nadu Employment and Training Subordinates Service, the post of Junior Training Officer in various fields has to be filled up in 1:1 ratio i.e. Diploma and NTC/NAC. Since only one post is available, now the question arises whether it should be filled with Diploma or NTC/NAC. The contention of the petitioner is that the respondents have not followed the G.O.Ms.No.289 Labour and Employment (P2) Department dated 13.12.2013, as far as Fashion Technology is concerned. For Fashion Design Technology Trade is concerned, only one vacancy is available and it ought to be conferred with diploma, in case, G.O.Ms.No.289 is followed. But the respondents have called for from NTC for the Fashion Design Technology, which means that the respondents have not followed the said Government Order.

3. But the respondents claim that they have followed G.O.Ms.No.289, as far as the post of Junior Training Officer in MMCP is concerned and has placed the said post in the diploma cadre. If the respondents have followed the same yardstick that was followed to Fashion Design Technology, then the post of Chemical Engineering post would have been placed in NTC and the petitioner would get opportunity to participate in the recruitment process.



W.P.(MD)No.1862 of 2016

WEB COPY

4. The second contention that was raised by the petitioner is that if the roaster has been followed in the said recruitment process, then the post should be allotted for SC category. However, the respondents refuted the said contention by stating it is allotted to BC category. To substantiate the claim of the petitioner, the petitioner has circulated the reply which he received under RTI wherein, it has been stated that it is allotted to SC(A) General category. In such circumstances, the claim of the respondents that the said post is allotted to BC category is incorrect. If that is the case, the petitioner is entitled to participate in the selection process, since he is coming under SC category.

5. Therefore, this Court is of the considered opinion that the petitioner belongs to SC category and the post is allotted to SC(A) only and not to BC category. Therefore, the respondents shall consider the petitioner's case for selection under the said category by taking into account the community certificate of the petitioner. As far as the Diploma and NTC/NAC is concerned, since the respondents have not followed the G.O.Ms.289 in the case of Fashion Technology, hence for the post of Chemical Engineering also, the respondents shall not take into consideration G.O.Ms.No.289. The vacancy post shall be filled from candidates from NTC and NAC. Since the petitioner belongs to NTC and NAC, the petitioner's candidature shall be considered.



W.P.(MD)No.1862 of 2016

WEB COPY

6. With the above observation, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

**01.12.2022**

Index : Yes / No  
Internet : Yes  
Nsr

To

- 1.The Secretary,  
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W.P.(MD)No.1862 of 2016

**S.SRIMATHY, J**

Nsr

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