



W.P(MD)Nos.2343 of 2017 & 12030 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.2343 of 2017 & 12030 of 2015

and

M.P.(MD)No.1 of 2015

and

W.M.P(MD)Nos.14311 of 2016, 1994, 2012 & 1217 of 2017

W.P(MD)No.2343 of 2017

M/s.Vinayaga Industrial Training Centre,

Rep. by its Correspondent,

Periyavalli Kulam,

Kullur Chandi Road,

Virudhunagar - 626 004.

...Petitioner

Vs.

1.The Directorate General

Employment and Training,

Ministry of Labour and Employment Training,

Shram Shakti Bhawan,

Rafi Marg,

New Delhi.



W.P(MD)Nos.2343 of 2017 & 12030 of 2015

2.The Director

Employment and Training,
Guindy,
Chennai - 600 032.

3.The Regional Joint Director

Department of Employment and Training,
No.15, Salai Street, Hospital Upstairs,
Washermenpet,
Tirunelveli - 625 005.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the third Respondent culminating in the order dated 27.05.2015 made in Na.Ka.No.2880/Kai pa/2015 and quash the same and consequently direct the second Respondent to issue the certificates of the disputed students (42 Nos) of the Petitioner Management admitted for the 2012-2014 academic session passed as per results reflected in the annexure enclosed in the typed set of papers filed to this Writ Petition.



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W.P(MD)Nos.2343 of 2017 & 12030 of 2015

For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.S.Jeyasingh - for R1

Central Government Standing Counsel

Mr.M.Ramesh - for R2 & R3

Government Advocate

W.P(MD)No. 12030 of 2015

M/s. Venkateswara Industrial Training Institute,

Rep by its Correspondent,

Having Office at G.S.T. Road,

Thanakankulam,

Madurai – 625 017.

...Petitioner

Vs.

1.The Government of Tamilnadu

Rep by its Secretary,

Labour & Employment Department,

Fort St. George,

Chennai – 600 009.

2.The Director of Employment & Training,

Alandur Road,

Guindy,

Chennai – 600 032.



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3.The Regional Joint Director

Office of the Regional Joint Director of Training,
Plot No.9, First East Street,
K.K.Nagar,
Madurai-20.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the third respondent culminating in the order dated 28.05.2015 made in Na.Ka.No.7413/B/2014 and quash the same and consequently direct the second respondent to publish the results of the students of the petitioner Management admitted for the 2012-2014 academic session as per the annexure enclosed in the typeset of papers filed to this Writ Petition.

For Petitioner : Mr.P.Balamurugan

For Respondents : Mr.M.Ramesh

Government Advocate



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COMMON ORDER

The petitioners are Industrial Training Institutions. They have admitted students for different courses in the year 2013. But pursuant to an order of this Court in W.P.No.1702 of 2015, the persons who are admitted in the petitioner institutions have not completed two years course period. The second respondent has withheld the results. As against the same, the petitioners have filed these Writ Petitions.

2. The learned counsel for the petitioners submits that admissions were proper, however, there was a delay in communication. All the persons have completed two years course and the only impediment as stated by the respondents is that the petitioner institutions do not have any required facilities for practical.

3. The learned counsel for the petitioners has also drawn attention of this Court to the similar orders passed on the institutions who have been imposed with similar orders. The learned Single Judge



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of this Court, considering the marks secured by them, has also permitted to declare the results of the petitioners, by order, dated 20.04.2016 in W.P.(MD)Nos.10802 and 10803 of 2015 which has been confirmed by the Hon'ble Division Bench of this Court. The Division Bench has also further directed to issue certificate to the students who studied through those petitioner institutions. Based on that order, certificates were also issued to those students who have studied through the other institution similarly placed that of these petitioners.

4. The learned counsel for the respondents submits that duration of the course was from August, 2012 to July 2014. These private Industrial Training Centers after admission, ought to have submitted a list for approval before the Regional Joint Director of Training within the prescribed time. However, these institutions have not submitted any list for approval before the Regional Joint Director of Training. The admissions of the trainees have been completed even before the commencement of academic session. A surprise inspection



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was conducted on 16.09.2014 and the Inspection Officer has submitted a report that these institutions did not have adequate infrastructure and lab facilities between the period 30.08.2012 and 27.06.2014. The electricity meter reading was recorded as zero 6 times. The petitioner failed to submit necessary document to the Inspection Committee and all these admitted trainees were from Salem and Erode District. Considering these materials irregularity, the Director of Employment and Training withheld the results of the ITI and issued show cause notice to the petitioners. But none of the ITI have responded to the show cause notice and therefore, the second respondent has disqualified the trainees who have not actually attended the training class and appeared in the All India Trade Test (AITT) 2014 and withheld the result.

5. This Court considered the rival submissions made and perused the material available on records.

6. In a similar batch of Writ Petitions in W.P.Nos.1702,



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1724 of 2015, dated 27.02.2015, this Court disposed of those Writ Petitions with a direction to the petitioner institutions to appear before the third respondent along with the records in their custody and the respondents were also directed to afford an opportunity to the petitioners. Accordingly, a detailed order has been passed. That detailed order was subjected for challenge by the similarly placed institutions in W.P.(MD)Nos.10802 and 10803 of 2015, wherein, this Court has passed an order dated 20.04.2016, by setting aside the impugned order, dated 29.05.2015 and directed the Government to issue Course Completion Certificate to those candidates. As against the orders passed in W.P.(MD)Nos.10802 and 10803 of 2015, the respondents have also filed a Writ Appeal before this Court in W.A.(MD)Nos.1105 & 1106 of 2017 and the Division Bench of this Court has also refused to interfere with the orders of the Writ Court and also issued further direction to declare the result of the concerned students. It is reported that the petitions filed by the State, challenging the orders of this Court in 2016 are also dismissed.



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7. Since this Court has already passed orders to similarly placed, this Court is inclined to dispose of these Writ Petitions with a direction to the respondents to consider the case of the petitioner institutions in the light of the earlier orders passed by this Court in W.P.(MD)Nos.10802 and 10803 of 2015 dated 20.04.2016 and in W.A.(MD)Nos.1105 & 1106 of 2017 dated 27.03.2018 within a period of twelve weeks from the date of receipt of a copy of this order.

8. Accordingly, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

18.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

RM



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- 4.The Secretary,
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Government of Tamilnadu
Fort St. George,
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- 5.The Director of Employment & Training,
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B.PUGALENDHI, J.

RM

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