



WEB COPY



W.A.No.534 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.A.No.534 of 2021
and
C.M.P.No.2077 of 2021

1. The Government Of Tamil Nadu,
Rep.By Its Principal Secretary,
Labour And Employment Department,
Fort St.George, Chennai-600009

2. The Director/Commissioner,
Employment And Training Department,
Chepauk, Chennai-600005.

3. The District Employment Officer,
District Employment Exchange,
Salem-7

... Appellants

Vs.

A.Sekaran

... Respondent

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 06/12/2019 made in WP No. 34727 of 2004 and allow this Writ Appeal.



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For Appellants : Mr.R.Neelakandan, AAG,
Assisted by
Mr.J.John J.Raja Singh, AGP.

For Respondent : Mr.V.Ajoy Khose

J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The writ appeal has been filed before this Court to set aside the order dated 06.12.2019 made in W.P. No. 34727 of 2004. The State is the appellant before us.

2. Mr.R.Neelakandan, learned Additional Advocate General, appearing on behalf of the State would contend that during the verification of genuineness of the Experience Certificate produced by the respondent, the authorities found that the Experience Certificate was registered on 19.06.2001. Therefore, the appellants found that the respondent is not eligible for selection and appointment to the post of Junior Training Officer (Wireman).



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3. Pursuant to the decision taken by the Department of Employment and Training, the list of eligible candidates from the Employment Exchange was invited, for selection and appointment to the post of Junior Training Officer (Wireman). It is not in dispute that the name of the first respondent was sponsored by the District Employment Exchange. He participated in the process of selection. The first respondent produced all the requisite certificates. During verification, the authorities found that the respondent possessed experience, but the Experience Certificate was registered with the Employment Exchange only in the year 2001 and accordingly, he was declared as not selected.

4. The respondent filed a writ petition and the Writ Court considered the facts and circumstances and found that the respondent possesses the requisite experience as contemplated under the rules and therefore, rejection of his candidature was infirm. Consequently, a direction was issued to consider the case of the respondent for selection and appointment to the post of Junior Training Officer (Wireman) under the priority category.



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5. The learned Additional Advocate General would submit that the authorities are bound by the rules. During verification, they found that the Experience Certificate, produced by the respondent, was not in accordance with the rules. Thus, there is no infirmity. The Writ Court failed to consider the same.

6. Mr.V.Ajoy Khose, appearing on behalf of the respondent would oppose by stating that the respondent possessed requisite experience as contemplated under the service rules. However, delayed registration of the Experience Certificate by the Employment Exchange is not the fault of the respondent. In this regard, the respondent furnished the National Trade Certificate showing that the respondent passed the Trade Test in July 1993. The Experience Certificate issued by one R.V.Power Engineers would reveal that the respondent was working as a Wireman from 20.10.1993 to 5.11.1994. The petitioner completed National Apprenticeship Training in between 09.01.1995 and 08.01.1996. Thereafter, he approached the District Employment Exchange, Salem, and made a request to register both the National Trade Certificate and the Experience Certificate produced by him. The District Employment Officer made a specific endorsement that both the



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certificates are to be registered. However, there was a mistake on the part of the officials in the Office of the District Employment Exchange to register his Experience Certificate. It is a mistake committed by the District Employment Officer for which the respondent cannot be penalised.

7. Perusal of the records would reveal that the respondent possess all the requisite qualifications for appointment to the post of Junior Training Officer (Wireman). During the relevant point of time, the post was filled up only through Employment Exchange. Now the procedure underwent changes. The learned Additional Advocate General would submit that the case of the respondent would not fall under the priority category. Even in such case, the respondent is to be considered for appointment under the non-priority category. The respondent is an orphan. More so, he possesses all the requisite qualifications including Experience. Non-registration of the Experience Certificate, despite the request made by the respondent, is the fault committed by the officials of the District Employment Exchange and therefore, the order of rejection passed by the appellant is infirm.



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The appellants are directed to consider the case of the respondent for appointment to the post of Junior Training Officer (Wireman) and the said exercise is directed to be completed within a period of six (6) weeks from the date of receipt of a copy of this order.

9. Accordingly, the order impugned stands confirmed and the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(C.K.J.,)

01.07.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

(sha)



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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

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