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W.P.No.942 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2024

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No. 942 of 2020

V.Velumani

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Petitioner

Vs

1.The Government of Tamil Nadu,
Represented by its Secretary,
Higher Education Department,
Fort St.George, Secretariat,
Chennai – 600 009.

2.The Director of Technical Education,
53, Sardar Patel Road,
Gunidy, Chennai – 600 025.

3.P.S.G.College of Technology,
Rep. by its Principal,
Peelamedu, Coimbatore – 641 004.

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Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned orders passed by the second respondent in Letter No.63665/A4/2016 dated 23.07.2018 and Letter No.63665/A4/2016 dated 12.12.2018 and quash the same and direct the second respondent to approve the proposal for the appointment of the petitioner as Instructor (workshop) submitted by the third respondent.



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For Petitioner : Mr.R.Subramanian
For R1 & R2 : Mr.R.Neethi Perumal
Government Advocate
For R3 : No appearance

ORDER

This Writ Petition has been filed challenging the order passed by the second respondent dated 23.07.2018 and the order dated 12.12.2018, thereby rejected the proposal for approval of the petitioner's appointment as Instructor.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 & 2. Though notice has been served on the third respondent, none appeared on behalf of the third respondent either in person or through counsel.

3. The petitioner was originally appointed as Cleaner in the third respondent Institution on 25.03.1996. Thereafter, his service was confirmed by the proceedings dated 08.10.2003. While being so, there was vacancy for the post of Instructor (Workshop). Therefore, the third



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respondent called for applications and the petitioner had applied for the said post on 16.07.2016. The Selection Committee of the third respondent had selected the petitioner as Instructor and appointed him. After his appointment, a proposal was sent by a communication dated 21.10.2016 to the second respondent for approval. After 1 ½ years, the second respondent, by its communication dated 23.07.2018, rejected the proposal sent by the third respondent on the ground that the second respondent did not satisfy the basic qualification to be appointed for the post of Instructor.

4. The learned counsel appearing for the petitioner would submit that the required qualification for appoint to the post of Instructor (Workshop) is a Diploma in Mechanical Engineering or an ITI Certificate/National Trade Certificate/National Apprenticeship Training Certificate in the Trade and practical experience in the appropriate trade for a period of not less than three years in a recognized workshop/Mechanical laboratory. Accordingly, the petitioner obtained ITI Certificate issued by the Deputy Director, Government Industrial Training Institute on 09.05.2012. The petitioner had also obtained State



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Council for Training Certificate issued by the Director of Employment and Training.

5. As per G.O.Ms.No.220, ITI Certificate means a Trade Certificate awarded by the Department of Industries and Commerce or the Director of Employment and Training, Chennai. The certificate of ITI was duly issued by the Director of Employment and Training, Chennai. The petitioner also had the practical experience for more than three years. Therefore, he is fully qualified to the post of Instructor and as such, the third respondent rightly selected and appointed the petitioner as Instructor. The second respondent had taken a view that the Trade Certificate obtained by the petitioner is not equivalent to National Certificate for Vocational Training. As per the required qualification, the petitioner/candidate should possess ITI Certificate/National Trade Certificate/National Apprenticeship Training Certificate. However, the second respondent wrongly rejected the proposal sent by the third respondent for approval of appointment of the petitioner to the post of Instructor.



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6. A perusal of the counter filed by the second respondent and the submissions made by the learned Government Advocate appearing for the first and second respondents reveals that the petitioner had obtained ITI Certificate by undergoing in part time class. He did not have full time class in the ITI certificate. That apart, there is vast difference in the subject and training of the State Council for Training Certificate and National Certificate for Vocational Training. Therefore, the petitioner is not eligible to be appointed to the post of Instructor. It is relevant to extract the Special Rules as published in G.O.Ms.No.220, Higher Education Department, dated 06.07.2009. Accordingly, ITI Certificate means a trade certificate awarded by the Department of Industries and Commerce or the Director of Employment and Training, Chennai. Likewise, the National Training Certificate / National Apprenticeship Training Certificate means trade certificate awarded by the National Apprenticeship Board of Training, Ministry of Labour and Employment, Government of India or the State Government of Tamil Nadu. Therefore, the petitioner obtained ITI Certificate issued by the Director of Employment and Training, Chennai. Therefore, it is coming within the definition of ITI as per the Special Rules published in



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G.O.Ms.No.220, Higher Education Department, dated 06.07.2009.

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Further, the required qualification for appointment of Instructor is as follows :

“(i) A Diploma in Mechanical Engineering

or

(ii) a) an ITI Certificate/National Trade Certificate/National Apprenticeship Training Certificate in the Trade and

b) practical experience in the appropriate trade for a period of not less than three years in a recognized workshop/Mechanical laboratory.”

7. Accordingly, the candidates must possess Diploma in Mechanical Engineering or ITI or National Trade Certificate or National Apprenticeship Training Certificate in the appropriate trade. Further, he also must possess practical experience in the appropriate trade for a period of not less than three years in a recognized workshop/mechanical laboratory. Accordingly, the petitioner is qualified with ITI issued by the Director of Employment and Training, Chennai. The petitioner was initially appointed as Cleaner and he had experience from the year 1996



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and the third respondent appointed him to the post of Instructor. After his appointment, the third respondent had sent a proposal for approval before the second respondent. Therefore, the reason stated by the second respondent, while rejecting the proposal sent by the third respondent for approval, cannot be sustained and it is liable to be quashed. Accordingly, the orders passed by the second respondent dated 23.07.2018 & 12.12.2018 are hereby quashed. The second respondent is directed to approve the appointment of the petitioner to the post of Instructor from the date of his appointment, i.e., on 16.07.2016, with all benefits.

8. In the result, this writ petition stands allowed. No costs.

13.08.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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G.K.ILANTHIRAIYAN, J.

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To

1. The Secretary,
Higher Education Department,
Fort St.George, Secretariat,
Chennai – 600 009.

2.The Director of Technical Education,
53, Sardar Patel Road,
Gunidy, Chennai – 600 025.

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