



W.P(MD)No.22974 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2024

CORAM

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P(MD)No.22974 of 2022

V.Kirubakaran

... Petitioner

Vs.

1.The Director of Employment & Training,
Alandur Road,
Thiru.Vi.Ka.Industrial Estate,
Guindy,
Chennai-32.

2.The Regional Joint Director,
Office of the Regional Joint Director of Training,
Government ITI Hostel Campus,
Mundrumavadi,
Madurai-625 007.

3.The Principal,
Government Industrial Training Institute Woman (ITI),
Aundipatti,
Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to accommodate the petitioner as Instructor in Computer Operator Programming Assistant (COPA) in anyone of the vacancies available at



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Government Industrial Training Institute (ITI), Ramanathapuram or in any other vacant place available in any other Government Industrial Training Institution by considering the petitioner's representation, dated 12.09.2022 within the period that may be stipulated by this Court and pass such further or other orders as this Court.

For Petitioner : Mr.V.Karthikraja
for M/s.Ajmal Associates
For R-1 & R-2 : Mr.M.Senthil Ayyanar
Government Advocate

ORDER

This writ petition has been filed seeking for a Mandamus to the second respondent to accommodate the petitioner as Instructor in Computer Operator Programming Assistant (COPA) in anyone of the vacancies available at Government Industrial Training Institute (ITI), Ramanathapuram or in any other vacant place available in any other Government Industrial Training Institution by considering the petitioner's representation, dated 12.09.2022.

2. The case of the petitioner is that the petitioner completed a B.E., (Computer Science) during the year 2011 and the same was duly registered with the District Employment Exchange Office, Theni. In the meanwhile, petitioner's name was sponsored by the District Employment Office, Theni for



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the post of Instructor in Computer Operator Programming Assistant (COPA) at Government Industrial Training Institute Woman (ITI), Aundipatti and based on the same, the first respondent by proceedings, dated 20.04.2015 issued a call letter for written test and interview scheduled to be held on 30.04.2015 along with original certificates. The petitioner has participated in the written test and after completing the written test, the second respondent conducted an interview. After successfully participated in the interview, he was selected for the post of Instructor in the COPA. The second respondent by his proceedings, dated 05.05.2015 issued a temporary appointment for a period of 11 months for the post of Instructor in the COPA in the second respondent ITI. Subsequently, the first respondent in his proceedings, dated 12.04.2016 issued a further extension for the period of 11 months up to 05.04.2016 (11 months) and the same has been extended from time to time. There are two posts available in the third respondent ITI. Already one Vimala and the petitioner was appointed as Instructor in the third respondent ITI in the another vacancy. The second respondent in his proceedings, dated 06.09.2022, terminated the petitioner from service by making an appointment of one Nandhini as Instructor in COPA in the regular vacancy in the third respondent ITI. However, the petitioner was in service continuously for the period of 7 years and all of sudden he was thrown



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out to the Street. The petitioner being a temporary employee on consolidated pay on a contractual basis, he has no right to claim an appointment as a matter of right. However, his candidature should be considered sympathetically, taking into account of his family circumstances and the petitioner's long service. Hence, the petitioner sent a representation to the second respondent on 12.09.2022 requesting them to appoint / accommodate him in the available vacancies as Instructor in the Department of COPA in Ramanathapuram District or any other vacant places available in any other Government ITI but the same was not considered. Aggrieved by the same, the petitioner has come forward with the present writ petition.

3. The learned Counsel appearing for the petitioner submitted that he has given a representation, dated 12.09.2022 to the second respondent. Thereafter, the writ petition was filed on 26.09.2022 within 14 days from the date of submitting the representation to the second respondent.

4. The learned Government Advocate appearing for the official respondents submitted earlier the petitioner has given a representation to the first respondent on 10.09.2022 and the same was considered and order was



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passed vide ந.க.எண்.21400/பஅ4/2020, dated 09.12.2022 by the first respondent. If the petitioner is aggrieved, he has to challenge the said order in the manner known to law.

5. The learned Government Advocate appearing for the official respondents further submitted that the order passed by the first respondent, dated 09.12.2022 has been sent to the petitioner vide registered post and the receipt of the same is furnished to this Court, dated 13.12.2022. The learned Government Advocate for the official respondents submitted the postal receipt and also the copy of the acknowledgment given by the petitioner to the first respondent, dated 10.09.2022.

6. In view of the above submissions made by the learned Counsel on either side, the writ petition stands disposed of accordingly. There shall be no order as to costs.

22.10.2024

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



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WEB COPY

- To
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WEB COPY



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