



W.P.No.5188 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2025

CORAM

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.5188 of 2023

D.Elansezhiyan

... Petitioner

-VS-

1. The Director General of Employment &
Training,
Ministry of Labour,
New Delhi - 110 001.
2. The Director,
Employment & Training Department,
Guindy,
Chennai - 32.
3. The Principal,
P.R.S Industrial Training Institute,
Cuddalore OT - 607 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the second respondent in his letter in Na.Ka.No.1181/Ma Tho Deva 2/2021 dated 07.10.2022 and quash the same and directing the first respondent to grant the petitioner the National Trade Certificate for successful completion of the Electrician Course in the third respondent Institution.



WEB COPY



W.P.No.5188 of 2023

For Petitioners : Mr.P.Kannan

For Respondents : Mr.R.K.Gandhi for R1
Standing Counsel
Mr.L.S.M.Hasan Fazil
Addl. Govt. Pleader for R2
No appearance for R3

ORDER

This writ petition has been filed for certiorarified mandamus relating to the proceedings of the second respondent dated 07.10.2022 to quash the same and further direct the first respondent to grant the National Trade Certificate for successful completion of the Electrician Course to the petitioner in the third respondent Institution.

2. The petitioner herein joined the third respondent Industrial Training Institute to pursue National Trade Certificate Course (Electrician) in August 1993. He completed the course successfully in the year 1995. On successful completion of the course, the second respondent Institute issued Provisional National Trade Certificate. Thereafter, the first respondent ought to have issued regular National Trade Certificate. However, in spite of several representations, the first

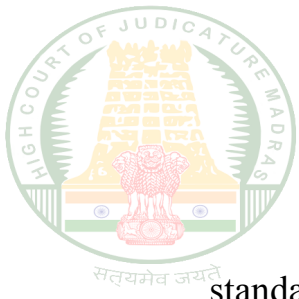


W.P.No.5188 of 2023

WEB COPY

respondent did not issue the National Trade Certificate for the petitioner's successful completion of electrician course in the third respondent Institute. Hence, the petitioner filed a writ petition in W.P.No.25327 of 2021. This Court by an order dated 26.11.2021, directed the respondents to consider the petitioner's representation dated 09.11.2021 and to pass appropriate orders, within a period of four weeks. As the respondents did not comply with the said order, the petitioner filed contempt petition in Cont.P.No.2247 of 2022. Meanwhile, the second respondent passed the impugned order dated 07.10.2022 stating that the petitioner's request for issuance of National Trade Certificate was rejected on the ground of unapproved Institution. Aggrieved by the impugned order of the second respondent, the present writ petition has been filed.

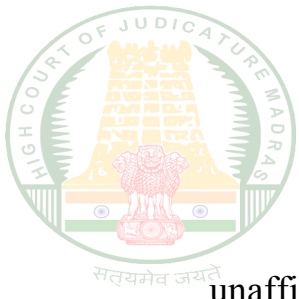
3. The second respondent filed detailed counter affidavit stating that that the National Council for Vocational Training (NCVT) is an advisory body and was set up by the Government of India, in the year 1956. This Council was entrusted with the responsibilities of prescribing



W.P.No.5188 of 2023

WEB COPY

standards and curricula for craftsmen training, advising the Government of India, on the overall policy and programmes, conducting All India Trade Tests and awarding National Trade Certificates. It further stated that the petitioner joined the Electrician Trade Course, which is of two year duration, in the third respondent Institute for the academic year 1993-95. As per the procedure issued in the training manual, the third respondent Institute admitted trainees from August 1993, in anticipation of the affiliation, but the said affiliation for 2nd Unit of Electrician Trade was obtained only w.e.f 1997. As the petitioner joined in the second respondent Unit, in August 1993, the National Trade Certificate could not be issued to the petitioner. It further stated that pursuant to the order passed by this Court on 26.11.2021, in W.P.No.25327 of 2021, a proposal along with the details of the petitioner were sent by the State Directorate, on 01.04.2022, to the first respondent for consideration of the petitioner's representation, as the first respondent was the Competent Authority for issuing the National Trade Certificate. In reply to the request letter of the petitioner dated 09.11.2021, the first respondent in its email dated 01.08.2022, informed that the petitioner studied in



W.P.No.5188 of 2023

WEB COPY

unaffiliated unit, hence, NTC could not be issued by DGT' and the same was also communicated to the petitioner.

4. Mr.R.K.Gandhi, learned Standing Counsel accepted notice for the first respondent, as early as on 22.02.2023. When the matter was taken up for hearing on 06.07.2023, the learned Standing Counsel for the first respondent sought time, therefore, the matter was adjourned to 14.08.2023. On 10.06.2024 the first respondent was granted final opportunity to file counter on or before 09.07.2024. In spite of repeated adjournments, the first respondent has not filed the counter and therefore, I am of the view that the first respondent has nothing to state on the issue.

5. When the matter was taken up for hearing, there was no representation for the first respondent and therefore the matter was passed over. When the matter was taken up again post lunch, the learned junior counsel for the first respondent sought more time to file counter. However, I am not inclined to grant further time in view of the order dated 10.06.2024.



W.P.No.5188 of 2023

WEB COPY

6. I have heard the learned counsel for the petitioner and the learned Additional Government Pleader for the second respondent and have perused the materials placed on record.

7. Admittedly the petitioner in the present case was admitted in Anticipation of Affiliation by the first respondent in August 1993 and was also issued with the Provisional National Trade Certificate on 25.10.1996 by the State Council for Vocational Training.

8. As rightly submitted by the learned counsel for the petitioner the issue in this writ petition is squarely covered by a decision of Division Bench of this Court in the case of ***R.M.Somasundaram Vs. The Director General of Employment and Training and Secretary & others in W.A.No.801 of 2006 dated 07.08.2009.*** The Division Bench in paragraph 9 held as follows:

9. Therefore, the following conclusions become inevitable, from the sequence of events narrated above, which are not in dispute:



WEB COPY



W.P.No.5188 of 2023

(a) that the petitioner admitted students with the permission of the State Director, who is empowered to grant such permission;

(b) that the students admitted against the additional units are entitled to Trade Certificates issued by SCVT: and

(c) that affiliation is always granted by NCVT (first respondent), only post facto and hence neither the petitioner nor the students can be found fault with."

9. Accordingly, the Writ Petition is allowed directing the first respondent to issue National Trade Certificate to the petitioner for successful completion of Electrician course within a period of six weeks from the date of receipt of a copy of this order. However, there shall be no order as to costs.

28.03.2025

vji

Index: Yes/No
Internet: Yes/No
Speaking Order: Yes/No

7/9



W.P.No.5188 of 2023

WEB COPY

To

1. The Director General of Employment & Training,
Ministry of Labour,
New Delhi - 110 001.
2. The Director,
Employment & Training Department,
Guindy,
Chennai - 32.
3. The Principal,
P.R.S Industrial Training Institute,
Cuddalore OT - 607 001.
Cuddalore OT - 607 001.



WEB COPY



W.P.No.5188 of 2023

N.MALA, J.

vji

W.P.No.5188 of 2023

28.03.2025