



WEB COPY



1

W.A.(MD)NO.1205 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R.POORNIMA

W.A.(MD)No.1205 of 2024

AND

C.M.P.(MD)No.9284 of 2024

1. The Secretary,
Department of Employment and Training,
Government of Tamil Nadu,
Fort Saint George, Chennai.
2. The Joint Director(Craftsmen Training),
Directorate of Employment & Training,
Government of Tamil Nadu,
Guindy,
Chennai – 600 032.

... Appellants / Respondents

Vs.

S.Balan ... Respondent / Writ petitioner

Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 01.12.2022 made in W.P.(MD)No.1862 of 2016 and allow this writ appeal.

For Appellants : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by,
Mr.G.V.Vairam Santhosh,
Additional Government Pleader.



WEB COPY



For Respondent : Mr.G.Prabhu Rajadurai

* * *

JUDGMENT

Heard both sides.

2.The case on hand pertains to filling up the vacancy in the post of Junior Training Officer (MMCP field) in Government Industrial Training Institutes run by the Department of Employment and Training. The said post falls under Clause I Category 3 of the Tamil Nadu Employment and Training Subordinate Service. As per the Service Rules, the post is to be filled up by promotion or by direct recruitment or by transfer from any other clause or category of the same service or by recruitment by transfer from any other service. As regards appointment by direct recruitment, it is to be in the ratio 1:1 as between (a)Diploma/Degree holders and (b) National Trade Certificate/National Apprenticeship Certificate holders. Amendment to that effect was made vide G.O Ms No.288 Labour and Employment(P2) Department dated 13.12.2013. When the department issued Notification calling for applications from the Diploma / Degree holders, the petitioner herein filed W.P.(MD)



No.16963 of 2015 to forbear the authorities from appointing any Diploma / Degree holder. He wanted the District Employment Officer, Thoothukudi to sponsor his candidature so that he can be appointed to the post of Junior Training Officer / Instructor (MMCP). The learned Single Judge vide order dated 18.09.2015 dismissed the writ petition in the following terms:-

“6. Refuting the above contention, Mr.S.Sadesh Kumar, learned Additional Government Pleader appearing for the respondents submitted that there is one vacancy for the post of Junior Training Officer in MMCP has arisen. Therefore, as per the G.O.Ms.No.289 Labour and Employment(P2) Department dated 13.12.2013, if any appointment has to be made by direct recruitment, it has to be done only in the ratio of 1:1, as between the Diploma / Degree holders and National Trade Certificate / National Apprenticeship Certificate holders. In strict adherence to the said conditions mentioned in G.O.Ms.No.289, the 2nd respondent has called for the candidates, who are possessing Diploma or Degree holder as there is only one vacancy available that has been filled up by giving first priority to the Diploma of Degree holder. If there are more than one vacancies, the second respondent would have called for the candidates, who are



possessing the National Trade Certificate / National Apprenticeship Certificate also. Hence no merit is found in the prayer.

7. I find some merits in the submissions made by learned Additional Government Pleader appearing for the respondents. The reason is, the proceedings, dated 27.09.2015 really shows that there is only one vacancy for the post of Junior Training Officer has arisen. Therefore, the second respondent is perfectly right in calling the candidates, who are possessing the Degree holders in B.E. However, if subsequent vacancy arises, the respondents are directed to fill up the subsequent vacancies on the basis of G.O.Ms.No.289 Labour and Employment (P2) Department, dated 13.12.2013, by following the 1:1 ratio, if the second vacancies arises, it has to be given to the 2nd category viz., NIT and NET.”

Aggrieved by the same, the writ petitioner filed W.A.(MD)No.1263 of 2015. The Hon'ble Division Bench vide order dated 01.12.2015 dismissed the writ appeal in the following terms:-

“ 3. The appellant holds a National Trade Certificate in Mechanical Maintenance. He also underwent a National Apprenticeship Certificate in



the year 1998. He registered both the qualifications with the Employment Exchange.

4. The rules for recruitment of Junior Training Officer stipulated a ratio of 1:1:1 between the holders of National Trade Certificate, National Apprenticeship Certificate and Diploma holders. In the previous selection held in 1997, a Diploma holder was appointed.

5. However, the rule was amended by G.O.Ms.No.289, Labour and Employment Department, dated 13.12.2013. The amended rule prescribed a ratio of 1:1 as between (i) Diploma /Degree holders and (ii) National Trade Certificate / National Apprenticeship Certificate holders.

6. Therefore, the only vacancy for which the respondents started recruitment was sought to be filled up from among degree and diploma holders. Aggrieved by the said attempt on the part of the respondents, the appellant filed a writ petition but the same was dismissed. Hence, the present writ appeal.

7. The only grievance of the appellant is that in the previous recruitment, a diploma holder was appointed. Therefore, the present vacancy should go to the holder of a certificate such as National Trade Certificate or National Apprenticeship Certificate.



WEB COPY



8. But the above grievance cannot be redressed. This is for the reason that the pre-existing rule prescribing a ratio fo 1:1:1 has already been amended. The moment an amendment is introduced, the recruitment following the amendment should start from the first point. Therefore, the learned Judge was right in dismissing the writ petition. The observation of the learned Judge that the next vacancy will go to the holder of National Trade Certificate or National Apprenticeship Certificate will take care of the interest of appellant.”

3. Thereafter, the authorities issued fresh recruitment notification. On this occasion also, the authorities invited applications only from the Diploma/Degree holders. Contending that the same is in breach of the earlier direction, WP(MD)No.1862 of 2016 was filed. The learned Single Judge allowed the writ petition vide order dated 01.12.2022 in the following terms:-

“ 4. The second contention that was raised by the petitioner is that if the roaster has been followed in the said recruitment process, then the post should be allotted for SC category. However, the respondents refuted the said contention by stating it is allotted to BC category. To substantiate the claim of the petitioner,



the petitioner has circulated the reply which he received under RTI wherein, it has been stated that it is allotted to SC(A) General category. In such circumstances, the claim of the respondents that the said post is allotted to BC category is incorrect. If that is the case, the petitioner is entitled to participate in the selection process, since he is coming under SC category.

5. Therefore, this Court is of the considered opinion that the petitioner belongs to SC category and the post is allotted to SC(A) only and not to BC category. Therefore, the respondents shall consider the petitioner's case for selection under the said category by taking into account the community certificate of the petitioner. As far as the Diploma and NTC/NAC is concerned, since the respondents have not followed the G.O.Ms.289 in the case of Fashion Technology, hence for the post of Chemical Engineering also, the respondents shall not take into consideration G.O.Ms.No.289. The vacancy post shall be filled from candidates from NTC and NAC. Since the petitioner belongs to NTC and NAC, the petitioner's candidature shall be considered."

Challenging the same, this writ appeal has been filed by the Government.



4.As rightly pointed out by the learned Additional Advocate

General, even if the writ petitioner's contentions were to be upheld, the post could be filled up only by inviting applications from all the eligible candidates from the open market. Directing the authorities to consider the writ petitioner's candidature alone would definitely be discriminatory and a violation of the equality mandate set out in Article 14 of the Constitution of India. On this sole ground, the order of the learned single Judge will have to be set aside.

5.It is not as if the authorities have acted illegally or in breach of the stand originally taken by them. The Honorable Division Bench had made it clear that that after the amendment of the Service Rules, the first vacancy to be filled up will have to be considered as the first point in the roster. Therefore, it has to go only to a Diploma/Degree holder. The learned Additional Advocate General states that when the notification was earlier issued, there was no response thereto and as a result, the said vacancy could not be filled up. Hence, the vacancy which is the subject matter of the impugned proceedings is the first point in the roster. Therefore, it has to be necessarily filled up only by a Degree / Diploma holder. The learned counsel for the



writ petitioner strongly contends that while filling up the post of JTO in the field of Fashion Design Technology Trade, applications were called for National Trade Certificate holders and that therefore, the post of JTO (MMCP field) should also be filled up likewise. This submission found favour with the learned Single Judge. But unfortunately for the writ petitioner, this issue was already settled in the earlier round and cannot be re-agitated. The Service Rules were amended in the year 2013. The first vacancy that is to be filled up after the amendment has to go to the Degree/Diploma holder and not to an NTC certificate holder. Admittedly, the subject vacancy is the first vacancy. The petitioner is not a degree/diploma holder. Hence, he cannot be considered.

6. More than anything else the Department has discontinued the process of making the appointment on its own. The entire recruitment process has now been handed entrusted to TNPSC.



7.The order of the learned Single Judge is set aside. This writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
27.03.2026

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



11

W.A.(MD)NO.1205 OF 2024

G.R.SWAMINATHAN, J.

AND

R.POORNIMA, J.

PMU

W.A.(MD)No.1205 of 2024

27.03.2026