

CASE NO.:
Appeal (civil) 1541-1544 of 2008

PETITIONER:
SUDHEESH C.M. & ORS

RESPONDENT:
DIRECTOR OF TRAINING, I.T.D.T. & ORS

DATE OF JUDGMENT: 22/02/2008

BENCH:
CJI K.G. BALAKRISHNAN & R.V. RAVEENDRAN & MARKANDEY KATJU

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NOS.1541-1544 OF 2008
(@SPECIAL LEAVE PETITION (C.)NOS.25136-25139 OF 2005)

Application for exemption from filing O.T. is granted. Leave granted. Heard Learned

Addl. Solicitor General and learned senior counsel for the appellants.

2. The appellants herein had joined the Industrial Training Institute, Koilandy, an institution run by the Kerala State Government imparting vocational training, in the years 1996 to 2002 and completed the I.T.I. Course in the trade of 'Fitter'. Though the said institute was affiliated to the National Council for Vocational Training (NCVT), it was not affiliated

in regard to the trade of 'Fitter' during those years.

3. In the prospectus issued by the Institute during the relevant years it was clearly represented as follows : "Those who complete ITI courses with not less than 80% of attendance shall be eligible for appearing for the All India Examination conducted by NCVT. Those who successfully pass in the examination shall be issued the National Trade Certificates".

4. The appellants joined the course in view of the said specific representation held out by the State Government that on successful completion of the course, they will be entitled to National Trade Certificates. But when they completed the course, they were issued only provisional certificates, but were not issued the National Trade Certificates on the ground that the Institute was not affiliated in regard to the trade of Fitter. They, therefore, filed writ petitions and the High Court, by the impugned judgment, declined to grant relief as the NCVT had not recognised the course in regard to the trade of fitter.

5. Similarly situated persons who had been denied the National Trade Certificates had earlier approached the Kerala High Court in O.P.No.11534/1996, O.P.No.12982/2003 and W.P.(C)No.35549/2003 and High Court directed the issue of the certificates. Those decisions became final and were complied with.

6. Learned Addl.Solicitor General submitted that having regard to the facts and circumstances of the case, in particular the State Government having mentioned in the prospectus that the students who successfully complete the course would be issued National Trade Certificates and the earlier decisions in similar cases having been complied with, the NCVT would give National Trade Certificates in these cases also having validity all over the country. The National Trade

certificates will have to be issued to all the appellants as also the proforma respondents w

ho
were writ petitioners, within three months. To expedite the process, the appellants and the
proforma respondents are also permitted to submit applications with all relevant records to
NCVT and on receipt of such applications, NCVT shall issue certificates to the eligible
candidates/applicants within the period as mentioned above.

Appeals are disposed of accordingly. No costs.

JUDIS