

(2007) 01 PAT CK 0091
In the Patna High Court
Case No : CWJC No. 7950 of 2006

Umesh Kumar Singh

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

Date of Decision : 29-01-2007

Acts Referred:

Citation : (2007) 3 PLJR 502

Hon'ble Judges : Mridula Mishra, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Mridula Mishra, J.—Heard counsel for the petitioner, the Union of India as well as the counsel appearing for Railway. This application has been filed for a direction to the respondents for issuance of National Certificate for Vocational Training (hereinafter to be referred to as the N.C.V.T.) of the I.T.I. final examination for the Sessions 1996-98. The respondents have already issued provisional N.C.V.T. certificate in favour of the petitioner, but the original certificate is not being issued which is being detrimental to the interest of the petitioner as the employer of the petitioner is demanding the certificate.

2. The petitioner is working in railway and the certificate is required for the same.
3. Counter affidavit has been filed by respondent No. A the Director General of Employment and Training, New Delhi as well as the respondent Nos. 1 to 3. It has not been controverted in the counter affidavit filed by respondent Nos. 1 to 3 that the petitioner has passed the examination of I.T.I. for the Sessions 1996-98 as the regular candidate and secured good marks for the same. It has also not been denied that the provisional certificate for N.C.V.T. has been issued in favour of the petitioner, but it has been stated that original N.C.V.T certificate cannot be issued in favour of the petitioner as in the year 1996-98 there were only 30 sanctioned seats for vocational training in the institute and the Roll Number of the petitioner was 32 which is the instance of excess admission. The S.C.V.T

Committee headed by Departmental Minister has decided to publish the pending results of such cases of excess admitted students but so far the issuance of certificate is concerned, the State Government was directed to issue S.C.V.T certificate for vocational training instead of N.C.V.T. The statements made by respondent Nos. 1 to 3 has not been corroborated by the statement made in the counter affidavit filed by the Director General of Employment and Training, New Delhi. It has been stated that under the Constitution of India Vocational Training is a concurrence subject, both of Central and State Governments. The development of training schemes at National Level, evaluation of policy, laying of training standards, procedures, conduction of trade test, certification etc., are being the responsibilities of Central/Government whereas the implementation of training schemes largely rests with the State or Union Territory Governments. As per the norms prescribed by the National Council for Vocational Training (N.C.V.T.) an advisory body of Govt. of India, trainees of affiliated trades/units are only eligible to appear in All India Trade Test being conducted under the aegis of National Council for Vocational Training (NCVT). The responsibility of issuing certificates rests with respective State Directorate dealing with Craftsmen Training Scheme. Blank National Trade Certificates are being supplied by Director General of Employment and Training to the State Directorates as per their requirements. State Director after filling up necessary entries and signing the certificate in ink is required to submit these certificates to Director General of Employment and Training for obtaining facsimile signature of Secretary NCVT. The facsimile signatures are affixed by Director General of Employment and Training after ascertaining the affiliation status of the trade/unit of the concerned institute.

4. Considering these statements of respondent No. 4 and the submissions of the counsel for the petitioner that the petitioner has taken training in the affiliated trade/unit, the ground which has been taken by respondent Nos. 1 to 3 for not issuing original national certificate in favour of the petitioner has no legs to stand. The Director General of Employment and Training has not stated that any restraint has been put on the State authority for issuing any certificate in favour of the students who have taken training in affiliated trade/unit and passed out the same. In this view of the matter respondent Nos. 1 to 3 are directed to issue original national trade certificate in favour of the petitioner for the Sessions 1996-98. The certificate must be issued within two weeks from today. The employer of the petitioner i.e. the railway respondent No. 5 is also directed to give further two months time for production of national trade certificate to the petitioner. With the aforesaid direction/observation this application is allowed.