

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

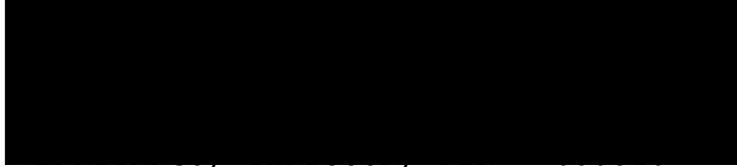
THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 31<sup>ST</sup> DAY OF JANUARY 2024 / 11TH MAGHA, 1945

WP (C) NO. 3767 OF 2024

PETITIONER:

ARUN JOSEPH



BY ADVS.  
SHERRY J. THOMAS  
LIGISH XAVIER  
JOEMON ANTONY  
ANTONY NILTON REMELO

RESPONDENTS:

- 1 UNION OF INDIA, REPRESENTED BY SECRETARY  
MINISTRY OF SKILL DEVELOPMENT AND  
ENTREPRENEURSHIP (MSDE), DIRECTORATE GENERAL  
OF TRAINING (DGT), NEW DELHI, PIN - 110001
- 2 THE STATE OF KERALA  
REPRESENTED BY THE SECRETARY,  
LABOUR AND SKILLS DEPARTMENT, 1ST FLOOR,  
SOUTH BLOCK, GOVERNMENT SECRETARIAT,  
THIRUVANATHAPURAM, PIN - 695033
- 3 DIRECTOR AND STATE APPRENTICE ADVISOR  
INDUSTRIAL TRAINING DEPARTMENT, DIRECTORATE  
OF INDUSTRIAL TRAINING, 4TH AND 5TH FLOOR,  
LABOUR BHAVAN VIKAS BHAVAN POST,  
THIRUVANANTHAPURAM, PIN - 695033
- 4 ADDITIONAL DIRECTOR OF TRAINING  
DIRECTORATE OF INDUSTRIAL TRAINING, 4TH  
AND 5TH FLOOR, LABOUR BHAVAN VIKAS BHAVAN  
POST, THIRUVANANTHAPURAM, PIN - 695033
- 5 INSPECTOR OF TRAINING  
DIRECTORATE OF INDUSTRIAL TRAINING, 4TH  
AND 5TH FLOOR, LABOUR BHAVAN VIKAS BHAVAN  
POST, THIRUVANANTHAPURAM, PIN - 695033
- 6 PRINCIPAL,  
GOVT ITI, CHALAKUDI MALA ROAD,  
CHALAKUDY, KERALA, PIN - 680307

W.P.(C).No. 3767 of 2024

: 2 :

BY ADV.  
SMT.VIDYA KURIAKOSE - GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 31.01.2024, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

**C.R.**

**JUDGMENT**

The petitioner is stated to be a student of the Government I.T.I., Chalakkudy; and his singular plea is that the curriculum of the course be ordered to be re-designed by the respondents, thus rendering only five days of the week to be working, with Saturdays and Sundays being holidays.

2. Sri.Sherry J.Thomas - learned counsel for the petitioner, in support of the afore plea of his client, pointed out that the syllabus of the I.T.I. has been now revisited under the National Skill Qualification Frame Work Scheme, and that the hours of training have been reduced to 1200 hours from the earlier 1600 hours. He submitted that, therefore, his client preferred Ext.P1 representation before the Hon'ble Chief Minister of Kerala, specifying the manner in which the working hours can be modulated, thus allowing two days of week to be holidays; but that this has been rejected by the Government through Ext.P2 order, merely saying that if his request is to be allowed, then the number of casual leave for the employees will have to be reduced to 15 from 20 presently entitled. He says that, the reasons in Ext.P2 are not good enough to reject Ext.P1, because, what he projected was a method, whereby, students would be in a position to engage in

other *“permissible courses along with the I.T.I. for better job perspective”* (sic). He thus prayed that Ext.P2 be set aside and the Government be directed to reconsider Ext.P1 in terms of law.

3. Smt.Vidya Kuriakose - learned Government Pleader, in response, submitted that the intention of the petitioner appears to be very confutative, because, even though, in the 1<sup>st</sup> paragraph of the memorandum of this writ petition, he says that *“he is an industrious student intending to do additional permissible courses along with the I.T.I. for better job perspective”* (sic), in Ext.P1, what he has stated is that the financially backward students can use Saturdays and Sundays to work and *“obtain resources for physical and mental pleasure”* (sic). She submitted that, in any event, a student cannot dictate the manner of the course or the methodology of the curriculum; and, therefore, this writ petition is not maintainable. She concluded saying that, nevertheless, the Government had considered Ext.P1 on its merits, but has rejected the petitioner's request because of the reasons that are stated therein. She, therefore, prayed that this writ petition be dismissed.

4. I have considered the afore submissions with specific attention to the request of the petitioner, as available in the writ petition.

5. As rightly pointed out by the learned Government Pleader,

the petitioner, in this writ petition, cites the sole reason for seeking Saturdays to be holidays, as being an opportunity for him *“to do additional permissible courses along with I.T.I. for better job perspective”* (sic). However, in Ext.P1, he explains that students of the financially backward strata can use Saturdays and Sundays to work, so as to obtain additional financial resources. Obviously, these two cannot run together; and in any event, as rightly argued by the learned Government Pleader, it cannot be left to a student to decide the manner of the curriculum, or the time frame that are required to cover the syllabus, it being within the realm of the experts, who alone can make an evaluation of all the relevant and germane inputs and aspects.

6. That apart, the petitioner preferred Ext.P1 before the Hon'ble Chief Minister of Kerala, which representation was not a statutory one, and obviously, therefore, not obligated on the part of the Government to have considered or passed orders on it. However, they chose to do so through Ext.P2, specifying the reasons which weighed with the experts, in not acceding to the request made by the petitioner.

7. Being in the policy realm, into which the jurisdiction of this Court is largely barricaded in view of various judgments of this Court and of the Hon'ble Supreme Court, I am certain that the

request of the petitioner in this writ petition cannot be acceded to.

8. I am persuaded to the afore view also because, the course in question is conceded to be a full time one; and hence, no student, normally and without specific permission, is entitled to either study another course, or engage in any other activity. When this factum remains uncontested, one fails to understand how the petitioner can seek that Saturdays be made a holiday.

In the afore circumstances, I close this writ petition without any further orders.

**Sd/-**  
**DEVAN RAMACHANDRAN**  
**JUDGE**

anm

**APPENDIX OF WP (C) 3767/2024**

PETITIONER EXHIBITS

Exhibit P1	THE TRUE COPY OF THE PETITION NIL DATED SUBMITTED BY THE PETITIONER
Exhibit P2	THE TRUE COPY OF THE ORDER DATED 24-11-2023
Exhibit P3	THE TRUE COPY OF THE GOVERNMENT ORDER DATED 24-12-2022
Exhibit P4	THE TRUE COPY OF THE ORDER DATED 06-06-2023, CONSTITUTING THE COMMITTEE
Exhibit P4A	THE TRUE COPY OF THE DATED ORDER 27-06-2023
Exhibit P4B	THE TRUE COPY OF THE ORDER DATED 03-08-2023
Exhibit P5	THE TRUE COPY OF THE COMMUNICATION DATED 6.12.2023 FROM THE OFFICE OF KERALA STATE YOUTH COMMISSION TO THE 2ND RESPONDENT
Exhibit P6	THE TRUE COPY OF TRAINEES DIARY 2023-2024
Exhibit P7	THE TRUE COPY OF THE RTI REPLY DATED 11-12-2023
Exhibit P7A	THE TRUE COPY OF THE RTI REPLY DATED 12-12-2023
Exhibit P7B	THE TRUE COPY OF THE RTI REPLY DATED 1-12-2023

RESPONDENTS' EXHIBITS : NIL.