

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17/3/2016

C O R A M

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.34052 of 2015

Sri Nandhanam Polytechnic College

rep. By its Dean

for Academic Administration &

Students Affairs

Mr.C.Pragash

Molagarampatti

Tirupattur 635 601

Vellore District.

... Petitioner

Vs

The Commissioner

Directorate of Technical Education

Guindy

Chennai 600 025.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to directing the respondent to approve the admission of students viz., (i). Ajit Ekka (Diploma in Mechanical Engineering), (ii). Baijnath Pradhan (Diploma in Civil Engineering) (iii). Poulus Kongari (Diploma in Civil Engineering) (iv). Vimal Kumar Das (Diploma in Civil Engineering) (v). Manoj Dang (Diploma in Electrical & Electronics Engineering) in the petitioner College in the academic year 2015 - 16 in the respective Diploma Courses and to allow them to write the first semester examination of first year Diploma course in Engineering and to publish the results for the same.

For Petitioner ... Mr.G.Sankaran

For respondent ... Mr.M.Digvijay Pandian
Additional Government Pleader

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal.

2. Heard Mr.G.Sankaran, learned counsel for the petitioner and Mr.M.Digvijay Pandian, learned Additional Government Pleader for the respondent.

3. This writ petition has been filed praying to direct the respondent to approve the admission of students viz., (i). Ajit Ekka (Diploma in Mechanical Engineering), (ii). Baijnath Pradhan (Diploma in Civil Engineering) (iii). Poulus Kongari (Diploma in Civil Engineering) (iv). Vimal Kumar Das (Diploma in Civil Engineering) and (v). Manoj Dang (Diploma in Electrical & Electronics Engineering) in the petitioner College in the academic year 2015 - 16, in the respective Diploma Courses and to allow them to write the first semester examination of first year Diploma course in Engineering and to publish the results for the same.

4. The short facts which are necessary for the disposal of this writ petition is as follows:-

(i). The petitioner College has made admission of eligible students in Diploma courses for the academic year 2015 - 2016. As per the proceedings of the respondent dated 3/8/2015, the Polytechnic Colleges were called to submit the details of students admitted on 17/8/2015.

(ii). The respondent has announced to conduct examination for First Year Diploma Course in Engineering from 26/10/2015. The respondent has forwarded hall tickets for 220 and 22 students, on 20/10/2015 and 23/10/2015 respectively. The petitioner College had received hall tickets for 242 students whereas the petitioner has not received the hall tickets for the following five students, viz.,

(i). Ajit Ekka (Diploma in Mechanical Engineering),
(ii). Baijnath Pradhan (Diploma in Civil Engineering)
(iii). Poulus Kongari (Diploma in Civil Engineering)
(iv). Vimal Kumar Das (Diploma in Civil Engineering) and
(v). Manoj Dang (Diploma in Electrical & Electronics Engineering)

(iii). The aforementioned students have been admitted in the petitioner College and their names were forwarded in Form-B, to the respondent, for approval. The petitioner College has come to know that the names of the aforementioned students were deleted from the list for want of production of original certificates.

(iv). The fact remains that the respondent DOTE has returned the proposal by referring to the discrepancies. Since the petitioner College has re-submitted the proposal by preparing new Form-B in respect of four candidates, the proposal

was submitted without enclosing the original certificates. The name of the fifth student, Manoj Dang was not included in Form-B prepared afresh and thereby his name was omitted to be included, though his name was sent in the original first set of B-form.

(v). The shortcomings with reference to the non-production of original certificates came to the light of petitioner College only when the Hall tickets are not given by the respondent for the five students concerned. The fact remains that the original certificates are very much available for all the students and it was belatedly given in the beginning of the academic year as they are coming from other States. The original certificates can be produced to the respondent DOTE by the petitioner College for the students concerned.

5. The learned counsel appearing for the petitioner would submit that if the five students are not permitted to write the examinations, it will be prejudicial to their interest. In the last minute, the petitioner College has come to know that their names are deleted by the respondent from the students list for want of production of original certificates and the name of one student Manoj Dang was not included in the Form-B students list sent for second time.

6. When the matter came up for hearing on 26/10/2015, this Court granted an interim direction, as follows:-

"Considering the above, there shall be an interim direction directing the respondent, to permit the five students, viz., (1) Ajit Ekka, (2). Baijnath Pradhan (3). Poulus Kongari (4) Vimal Kumar Das and (5) Manoj Dang, to take part in the ensuing examinations commencing from 27/10/2015. The petitioner is directed to send the original certificates of all the five students to the respondent, forthwith. The respondent shall process the same, subject to the further orders to be passed. However, it is made clear that the results shall not be published and the interim direction shall not give any equity."

7. Subsequently, the petitioner College had received the original certificates of the five students and the same were submitted, to the respondent, vide letter, dated 27/10/2015. Hence the counsel for the petitioner has sought for a direction to the respondent to approve the admission of the said five students.

8. Considering the facts and circumstances of the case, this Court directs the respondent, to pass an appropriate order, approving the admission of students viz., (i). Ajit Ekka (Diploma in Mechanical Engineering), (ii). Baijnath Pradhan (Diploma in Civil Engineering) (iii). Poulus Kongari (Diploma in Civil Engineering) (iv). Vimal Kumar Das (Diploma in Civil Engineering) (v). Manoj Dang (Diploma in Electrical & Electronics Engineering) in the petitioner College for the academic year 2015 - 16, in the respective Diploma Courses and to allow them to write the first semester examination of Diploma course in Engineering and to publish the results, as expeditiously as possible, preferably within a period of two weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

The Commissioner
Directorate of Technical Education
Guindy,
Chennai 600 025.

Sub Assistant Registrar

+1cc to M/S G.Sankaran, Advocate, S.R.No.17901
+1cc to the Government Pleader, S.R.No.17431

sns(CO)
srg(28/03/2016)

W.P.No.34052 of 2015