

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.35671 of 2015

And

M.P.Nos.1, 2 and 4 of 2015

C.Mugesh

... Petitioner

Vs.

1.The Director,
Department of Technical Education,
Chennai - 600 025.

2.SKR Engineering College
Nazarathpet, Thiruvallur District.
Pin - 600 123

(2nd Respondent impleaded as
per the order of this Court
dated 30.06.2016 made in
M.P.No.3 of 2015 in
W.P.No.35671 of 2015)

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of Department of Technical Education in Letter No.36376 / ECA1 / 2015 dated 21.09.2015 sent by the respondent in respect of the petitioner's college admission of B.E degree course and quash the same as illegal.

For Petitioner : Mr.S.Thiruvengadam

For Respondents : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner after passing the Senior School Certificate Examination (Class XII) in May, 2015 from St.John's English School and Junior College under CBSE syllabus, applied for B.E.Mechanical Engineering in S.K.R.Engineering College,

Nazarathpet, Thiruvallur District, Pin - 600 123 and got admission under the Management quota by paying fees etc. The petitioner during the course of studies, had received a notification from the first respondent in Letter No.36376 / ECA1 / 2015 dated 21.09.2015 stating that his admission is stopped with the remark as "Fail in Theory Chemistry Subject". According to the petitioner, in the mark list, the result has been shown as passed and accordingly, the above said Institution has admitted the petitioner and the petitioner even before writing the first year examination has once again written the Chemistry subject and passed the same by securing 74 marks.

3.Mr.S.Thiruvengadam, the learned counsel appearing for the petitioner would submit that the fault lies with the Central Board of Secondary Education as well as the Institution in which the petitioner had studied, for the reason that in the mark list it has shown the petitioner had secured only 39 marks in the Chemistry subject, but however in the mark list, the result of the petitioner has been shown as passed based on which, the above said Institution has also admitted the petitioner and in the light of the above said fact, the petitioner had subsequently, sit for the Chemistry examination and passed the same and hence, the respondent may ratify his qualification and prays for appropriate orders.

4.Per contra, Mrs.P.Rajalakshmi, learned Government Advocate appearing for the respondents would submit that admittedly, the petitioner had failed in Chemistry subject and even in the mark list, it has been shown as "FT" with positional grade as "E" and as per the rear side of the mark list, "E" refer to failed candidates and the petitioner is a failed candidate and he ought not to have been admitted by the Institution and the said act, cannot be ratified by the respondent and prayed for dismissal of the writ petition.

5.This Court has carefully considered the rival submissions and also perused the materials placed before it.

6.A perusal of the mark list of the petitioner would disclose that as against the marks in respect of Chemistry subject, the petitioner had secured 9 marks in Theory and 30 marks in Practicals, totally, 39 marks and it has been shown as "FT" and in the positional grade it has been stated as "E". The reverse side of the mark list shows the abbreviation and the abbreviation "E" refer to "failed candidates". Therefore, the petitioner failed in Chemistry, however in the mark list the result of the petitioner has been shown as passed. The concerned Institution namely, SKR Engineering College, Nazarathpet, Thiruvallur District had admitted the petitioner by collecting the necessary fees and later on, it came to the knowledge of the petitioner through the letter of the respondent dated 21.09.2015 that he had failed in the Chemistry subject.

According to the learned counsel appearing for the petitioner, the petitioner was not permitted to sit for the first year examination in B.E.(Mechanical Engineering) and in the interregnum, he once again wrote the Chemistry paper and passed the same, by securing 74 marks and prays for ratification.

7.In the light of the stand taken by the respondent that such an act cannot be ratified, this Court is unable to come to the aid of the petitioner though it sympathizes with the case of the petitioner. Therefore, the writ petition is dismissed. However, the petitioner is at liberty to approach the College for refund of the fees and if he is so advised, can also invoke common law remedy against the said Institution for recovery of damages etc. No costs. Consequently, the connected miscellaneous petitions are also closed.

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1.The Director,
Department of Technical Education,
Chennai - 600 025.

2.SKR Engineering College
Nazarathpet, Thiruvallur District.
Pin - 600 123.

+ 1 cc to Mr.S.Thiruvengadam, Advocate Sr 36987

+ 1 cc to The Govt. Pleader, Sr 36905

KR/13/7/16

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