

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No.40990 of 2016 and

W.M.P.Nos.34984 and 34985 of 2016

V.Sivakumar

.. Petitioner

-vs-

- 1.The Director of School Education,
School Education Department,
College Road, Chennai-600 006.
 - 2.The Directorate of Technical Education,
Guindy, Chennai-600 025.
 - 3.The Anna University,
represented by its Registrar,
Guindy, Chennai-600 025.
 - 4.The Principal,
Central Institute of Plastic Technology,
T.V.K.Industrial Estate,
Guindy, Chennai-600 032.
- ... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus forbearing the third and fourth respondents from taking any coercive action as against the petitioner's son till the application for equivalence certificate is processed by the first and second respondents.

For Petitioner :: Mr.S. Ramesh

For Respondents :: Mr.V.Anandamoorthy for R1 & R2
Mr.M.Vijayakumar for R3

ORDER

This writ petition has been filed by the petitioner for issuance of a Writ of Mandamus forbearing the third and fourth respondents from taking any coercive action as against his son

K.S.Somaskandan, till the application for equivalence certificate is processed by the first and second respondents.

2.It is stated in the affidavit filed in support of this writ petition that the petitioner's son had completed his IGCSE Grade (International General Certificate of Secondary Education Grade) from Vanshi Manthan Vidyashram in Kottivakkam at Chennai. The said school is affiliated to EDEXCEL, United Kingdom and follows the pattern of the said Board. The petitioner states that the Council of Boards of School Education in India granted associate membership to EDEXCEL and the same was also approved by the Central University of Tamil Nadu. The petitioner's son completed his IGCSE grade in January 2016 and therefore, he is entitled to compete in the single window system for admission to the professional courses in May 2016. The petitioner's son applied for Tamil Nadu Engineering Admissions under Sports Quota, but he could not secure a seat under the sports quota and was allotted general counselling for B.E./B.Tech courses and the date for counselling was fixed on 14.07.2016. However, he did not choose to seek admission through counselling, as he did not get admission in the college he wished to join. Therefore, he joined Sri Chandrasekarendra Saraswathi Viswa Maha Vidyalaya and opted for B.E. (E.E.E). At this juncture, on coming to know about the advertisement of the fourth respondent in THE HINDU dated 09.08.2016, offering admission to B.E. (Manufacturing Engineering) Course under the lapsed seat category, the petitioner's son appeared before the fourth respondent and was allotted a seat in the said course. He also submitted necessary certificates and paid the necessary fee. Thereafter, the certificates of the petitioner's son were sent for verification by the fourth respondent, and in the third week of September 2016, the petitioner's son was informed that he should get an equivalence certificate from the first and second respondents certifying that the EDEXCEL Board, United Kingdom is equivalent to the Higher Secondary Course Board of the State Government. Thereafter, the petitioner gave an application to the first respondent on 22.09.2016 and the same was duly forwarded to the other Departments. On 24.10.2016, the first respondent sent a letter to the petitioner requesting evidence of affiliation of the course. The petitioner also collected all the necessary proof from other States and Ministry of Human Resources Development providing that the said course is equivalent to Higher Secondary Course and submitted the same on 19.11.2016. While so, the fourth respondent informed the petitioner's son that he would not be allowed to write the 1st Semester Examination commencing from 28.11.2016. The fee for the examination has been collected and the name of the petitioner's son is also shown in the list of candidates permitted to appear for the semester examination. However, he was not issued with

the hall ticket. Hence this writ petition has been filed, with the prayer as already stated supra.

3.Mr.V.Anandamoorthy, learned counsel, takes notice for respondents 1 and 2, and Mr.M.Vijayakumar, learned counsel, takes notice for the third respondent.

4.The only question which arises for consideration is as to whether the petitioner's son who has completed the IGCSE Grade (International General Certificate of Secondary Education Grade), which is affiliated to EDEXCEL, United Kingdom, is equivalent to that of the Plus-Two course in India. The petitioner had sought for equivalence certificate from the first respondent on 22.09.2016, for which they had called for certain documents by a communication dated 24.10.2016. The petitioner had also given a reply enclosing all the necessary documents on 19.11.2016. But, till date, according to the petitioner, no order has been passed. In the mean time, since the examination is to commence on 28.11.2016, the learned counsel for the petitioner submits that equivalence certificate has to be issued by the first respondent on or before 25.11.2016. The learned counsel for the petitioner also prayed that the petitioner may be personally heard by the authorities so that he could explain the matter in detail to the authorities.

5.The learned counsel for the third respondent University submits that if the petitioner's son produces the equivalent certificate and if he has got necessary attendance for writing the examination, the third respondent has no objection to permit the petitioner's son to write the examination.

6.The learned counsel for the first and second respondents would only contend that the application of the petitioner is in process.

7.Considering the facts and circumstances of the case and in the interest of justice, the first respondent is directed to consider the application dated 19.11.2016 made by the petitioner duly explaining his position along with all the necessary enclosures, afford the petitioner an opportunity of hearing on 23.11.2016 and pass appropriate orders on or before 25.11.2016 as regards whether the petitioner's son is entitled to write the examination on 28.11.2016. The petitioner along with his son, is directed to appear before the first respondent at 3.00 p.m. on 23.11.2016.

8.The writ petition is disposed of accordingly. No costs.
Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Director of School Education,
School Education Department,
College Road, Chennai-600 006.
- 2.The Directorate of Technical Education,
Guindy, Chennai-600 025.
- 3.The Registrar,
Anna University,
Guindy, Chennai-600 025.
- 4.The Principal,
Central Institute of Plastic Technology,
T.V.K.Industrial Estate,
Guindy, Chennai-600 032.

+1cc to Mr.M. Vijayakumar, Advocate, S.R.No.67749
+1cc to Mr.S. Ramesh, Advocate, S.R.No.67743

rsh(CO)
md(22/11/2016)

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