

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16-02-2016

Coram :

THE HONOURABLE MR. JUSTICE R. SUBBIAH

Writ Petition No. 5325 of 2016
and
WMP.No.4649 of 2016

P.V.S. Gokul Nath

.. Petitioner

Versus

1. The Principal Secretary/Director General
of Training
Chennai - 600 028

2. The Principal
All India Civil Services Coaching Centre
No.163/1, P.S. Kumarasamy Raja Salai
(Greenways Road) R.A. Puram
Chennai - 600 028

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Mandamus directing the second respondent to permit the petitioner to join Preliminary Full Time Coaching Class, 2016 at All India Civil Services Coaching Centre, Chennai - 28 under Residential Category pursuant to his provisional selection order issued by the second respondent vide his letter No.A1/135/2015 dated 13.01.2016.

For Petitioner : Mr. R. Thamaraiselvan

For Respondents : Mr. P. Sanjay Gandhi
Additional Government Pleader

ORDER

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus directing the second respondent to permit him to join Preliminary Full Time Coaching Class, 2016 at All India Civil Services Coaching Centre, Chennai - 28 under Residential Category pursuant to his provisional selection order issued by the second respondent vide his letter No.A1/135/2015 dated 13.01.2016.

2. According to the petitioner, he is a resident of Vadagampatti Village, Salem District. He is a holder of B.E. (Electronics and Communication Engineering) Degree having

completed it during April 2012. Thereafter, for the purpose of getting coaching for preparing himself to attend the Civil Services examination, he came down to Chennai on the basis of a publication effected by the second respondent calling for applications from desirous candidates who intend to get coaching for writing the Civil Services examination. In the application submitted by the petitioner, he has furnished his relatives address at Chennai for the purpose of receiving any communication from the second respondent. The petitioner also written the entrance examination on 29.11.2015. On 13.01.2016, the petitioner received a letter sent by the second respondent indicating that the petitioner is provisionally selected for admission and he was asked to produce the original certificates on 20.01.2016 at 01.00 pm. The said letter dated 13.01.2016 was received by a relative of the petitioner at Chennai on 19.01.2016 and the receipt of the said letter was intimated to the petitioner by his relative only on 20.01.2016. Immediately, the petitioner stated to have contacted the second respondent and the second respondent also informed the petitioner to meet them on 01.02.2016. However, when the petitioner approached the second respondent on 01.02.2016, the second respondent refused to permit the petitioner to join the classes on the ground that he has approached them belatedly.

3. The learned counsel for the petitioner would only state that due to a communication gap between the relative of the petitioner and the petitioner, he could not appear before the second respondent on 20.01.2016 to produce the certificates. It is further stated that the petitioner has not made any allegations in the affidavit filed in support of the writ petition against the respondents, but only pleads that he should not be punished for not appearing on 20.01.2016 before the second respondent which is solely attributable due to a communication gap. The learned counsel for the petitioner further submits that the petitioner has submitted a representation dated 01.02.2016 to the second respondent seeking to permit him to attend the classes, however, till date, no order has been passed. The learned counsel for the petitioner also submits that the classes have commenced and any delay on the part of the second respondent in permitting the petitioner to attend the classes will highly prejudice him.

4. On the above contentions of the counsel for the petitioner, this Court heard the learned Additional Government Pleader for the respondents.

5. It is an admitted fact that the communication dated 13.01.2016 sent by the second respondent, calling upon the petitioner to appear before their institution on 20.01.2016, was received by the relative of the petitioner at Chennai on 19.01.2016. Admittedly, the petitioner could not join the

classes due to a communication gap with his relative. It is also stated that the petitioner was provisionally selected on the basis of the written examination conducted by the second respondent. In such circumstances, without expressing any opinion on merits, I feel that appropriate direction can be issued to the petitioner to submit a fresh representation seeking to permit him to join the preliminary classes along with this order and on receipt of the same, the second respondent shall consider such representation of the petitioner and to pass orders thereon.

6. Accordingly, the writ petition is disposed of with a direction to the petitioner to submit a fresh representation to the second respondent by enclosing a copy of this order forthwith to permit him to attend the preliminary coaching classes conducted by the second respondent and on receipt of the same, the second respondent shall consider such representation and to pass an order on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, connected WMP No. 4649 of 2016 is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary/Director General,
of Training,
Chennai - 600 028.
2. The Principal,
All India Civil Services Coaching Centre,
No.163/1, P.S. Kumarasamy Raja Salai,
(Greenways Road) R.A. Puram,
Chennai - 600 028.

+1cc to Mr.R.ThamaraiSelvan, Advocate, S.R.No.10020
+1cc to the Government Pleader, S.R.No.9965

WP No. 5325 of 2016

skv(CO)
srg(17/02/2016)