



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 27.07.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P (MD) No.12920 of 2016

and

W.M.P (MD) No.9738 of 2016

P.Muthukurumban

..Petitioner

Vs

1. The Director,
Department of Employment and Training,
Guindy, Alanthoor Road,
Chennai - 600 032.
 2. The Joint Director,
Department of Employment and Training,
Guindy, Alanthoor Road,
Chennai - 600 032.
 3. The Joint Director,
Government Industrial Training Institute(ITI),
K.Pudur, Madurai - 625 007.
 4. The Principal,
Government Industrial Training Institute(ITI),
K.Pudur, Madurai - 625 007.
- ..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the fourth respondent from preventing the Petitioner to write the examinations in any manner in the Government Industrial Training Institution, K.Pudur, Madurai- 625 007 by citing the pendency of the Criminal Case in Crime No.1906 of 2016 on the file of the Inspector of Police, Anna Nagar Police Station, Madurai City.

For Petitioner :M/s.N.Anandakumar

For Respondents :Mr.N.Karthikeyan
Addl.Govt.Pleader

**ORDER**

Heard both sides.

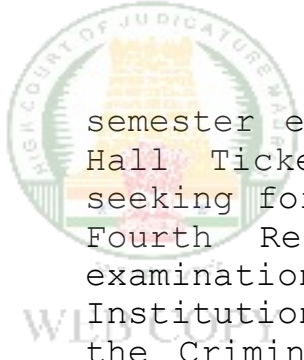
2. By consent of both sides, the main Writ Petition itself is taken up for final disposal.

3. According to the Petitioner, after completion of 12th standard, he had joined ITI Fitter Course in Government Industrial Training Institute (ITI) at K.Pudur, Madurai. He is now studying in second year Fitter Course and now, it is final semester (IVth Semester) of his studies. He is not having any arrears subjects to his credit for the past three semesters.

4. The stand of the Petitioner is that on 28.6.2016 at K.Pudur Road, some unknown persons attacked his colleague namely, Rajadurai who is studying in his college at that time and he entered into the spot and compromised the issue. Later, the said Rajadurai had lodged a complaint before the Inspector of Police, Anna Nagar Police Station and based on the complaint, a case was registered against him and others in Crime No.1906 of 2016 under Sections 147, 341, 323, 324 of IPC. Investigation is pending and as on date and the charge sheet is not yet filed.

5. Added further, the Petitioner was released on own bond by the Inspector of Police, Anna Nagar Police Station, Madurai City. Thereafter, he went to the 4th Respondent/College for obtaining Hall Ticket and at that time, the Third Respondent/The Joint Director, Government Industrial Training Institute (ITI), K.Pudur, Madurai - 625 007, informed him that he was involved in a criminal case and therefore, he is not permitting him to write the final semester examination. Thereafter, he informed his parents and they came to the institution and made a joint request to the Third Respondent for issuing a Hall Ticket. However, the Hall Ticket was refused to be issued.

6. At this stage, the Learned Counsel for the Petitioner strenuously contends that the Third Respondent/The Joint Director, Government Industrial Training Institute (ITI), K.Pudur, Madurai - 625 007 had collected examination fee from him and other students i.e., Rs.225/- on 10.6.2016, for which, no receipt was issued by the Fourth Respondent. After receiving the exam fee, the entire students Hall Ticket would be received from the First Respondent/The Director, Department of Employment and Training, Guindy, Alanthoor Road, Chennai - 600 032. The final semester examination will be held from 28.7.2016. The Third Respondent is not permitting him to write the exam and therefore, his entire services are affected. As such, he made representation on 15.7.2016 through Speed Post to the Respondents No.1 to 4 praying for issuance of Hall Ticket so as to enable him to write the final



semester examination and till date, he is not in receipt of the Hall Ticket. Hence, he has filed the present Writ Petition, seeking for passing of an order by this Court in restraining the Fourth Respondent from preventing him from writing the examinations in any manner in the Government Industrial Training Institution, K.Pudur, Madurai 625 007 by citing the pendency of the Criminal Case in Crime No.1906 of 2016, on the file of the Inspector of Police, Anna Nagar Police Station, Madurai City.

7.Per contra, it is the submission of the Learned Additional Government Pleader appearing for the Respondents 1 to 4 that the Petitioner is having attendance of 72% and he had not attended the college from 1.7.2016 till date. Further more, upto 75% attendance, the Fourth Respondent/The Principal, Government Industrial Training Institute(ITI) K.Pudur, Madurai - 625 007 is empowered to take a decision in permitting the students to write the exam or to take up the exam for a particular semester and if a student/candidate falls short of the requisite 75% attendance, then the Third Respondent// The Joint Director, Government Industrial Training Institute(ITI), K.Pudur, Madurai - 625 007 is the person, who is competent to take appropriate action in the subject-matter in issue. Apart from that, it is also brought to the notice of this Court on behalf of the Respondents 1 to 4 that even during the last semester, the Petitioner lacks attendance and in fact, the Petitioner had approached the Third Respondent/The Joint Director, Government Industrial Training Institute(ITI), K.Pudur, Madurai - 625 007 on 29.12.2015 to permit the Petitioner to write the examination. As such, it is the crystalline stand of the Respondents 1 to 4 that the Petitioner, when he is lacking in his requisite attendance by 3%, then he has to approach the Third Respondent and to seek redressal of his grievance as per Rules and Regulations and the like manner as he did in the past.

8.On a careful consideration of the respective contentions, even though the Petitioner has filed the present Writ Petition seeking for passing of an order by this Court in restraining the Fourth Respondent from preventing him to write the examinations in any manner in the Government Industrial Training Institution, K.Pudur, Madurai - 625 007 by citing the pendency of the Criminal case in Crime No.1906/2016, on the file of the Inspector of Police, Anna Nagar Police Station, Madurai City, this Court comes to an inevitable and irresistible conclusion that the Petitioner has to approach the Third Respondent/The Joint Director, Government Industrial Training Institute(ITI) K.Pudur, Madurai - 625 007 without any loss of time and to seek redressal of his grievance as per Rules and Regulations and also in the like manner as what he did in the past I.e., last year semester examination. Viewed in that perspective, the relief sought for by the Petitioner is not acceded to and accordingly, the Writ Petition



stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar (CS)

To

1. The Director,
Department of Employment and Training,
Guindy, Alanthoor Road,
Chennai - 600 032.
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Chennai - 600 032.
3. The Joint Director,
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4. The Principal,
Government Industrial Training Institute(ITI),
K.Pudur, Madurai - 625 007.
5. The Inspector of Police,
Anna Nagar Police Station,
Madurai City, Madurai.

+1cc to Mr.N.Anandakumar, Advocate, Sr.No.39679

vsn

JM/SK-SKN/SAR-I/27.07.2016/4P-7C

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