

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-11-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.23867 of 2017 and
WMP.No.25094 of 2017

T.Ilamadhy

... Petitioner

Vs

1.The Director
Directorate of Higher and Technical Education,
Puducherry.

2.Secretary (Education)
Chief Secretariat,
Puducherry.

3.Principal,
Pondicherry Engineering College,
Puducherry.

4.The Registrar,
Pondicherry University,
Bharat Ratna Dr.Ambedkar Administrative Building,
R.V.Nagar, Kalapet,
Puducherry.

(R4 impleaded as per order dated 7-9-17
in wmp no 25467/17)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of mandamus, to direct the 2nd respondent to accord permission for the petitioner's transfer from the Perunthalaivar Kamarajar Institute of Engineering and Technology (PKIET) Karaikal to Pondicherry Engineering College, Puducherry and direct the 3rd respondent to admit the petitioner in the 3rd respondent College on the basis of the representation submitted by the petitioner's father on 18.10.2016 to the 2nd respondent.

For Petitioner : Mr.M.Gnanasekar,

For Respondents : Mr.A.Gandhiraj, (for R1 to R3)
Government Pleader (P)
Mr.Stalin Abhimanyu (for R4)

O R D E R

The petitioner joined B.Tech in Electronics and Communication Engineering during the year 2016-17 in Perunthalaivar Kamarajar Institute of Engineering and Technology, Karaikal in the seat having been allotted through the CENTAC and she completed her first year. Since her residence is at Puducherry, the petitioner applied for transfer to the Pondicherry Engineering College, Puducherry, which is affiliated to the fourth respondent/Pondicherry University to which the Perunthalaivar Kamarajar Institute of Engineering and Technology, Karaikal, is also affiliated.

2. In this regard, the petitioner gave a representation to the second respondent/The Secretary (Education), Chief Secretariat, Puducherry on 18.10.2016 and a reply was received from the first respondent on 15.11.2016 stating that the transfer could be done at the end of the first year only, subject to the conditions prescribed by Pondicherry University and Regulations for the Degree Programme under the Autonomous Stream.

3. The petitioner had already obtained No Objection Certificate for migration from Perunthalaivar Kamarajar Institute of Engineering and Technology, Karaikal to Pondicherry Engineering College, Puducherry to continue her studies for the academic year 2017-18. Along with No Objection Certificate, the petitioner made another representation to the third respondent/Pondicherry Engineering College on 23.08.2017 seeking transfer from Perunthalaivar Kamarajar Institute of Engineering and Technology, Karaikal to Pondicherry Engineering College, Puducherry. Since no permission has been granted by any of the respondents, the petitioner has come before this Court for issuance of writ of Mandamus to accord permission for the petitioner for transfer from Perunthalaivar Kamarajar Institute of Engineering and Technology, Karaikal to Pondicherry Engineering College, Puducherry.

4. Heard, Mr.M.Gnanasekar, learned counsel for the petitioner, Mr.A.Gandhiraj, learned Government Pleader (P) appearing on behalf of respondents 1 to 3 and Mr.Stalin Abhimanyu, learned Standing Counsel for 4th respondent.

5. It is submitted by Mr.A.Gandhiraj, learned Government Pleader (P) as well as by Mr.Stalin Abhimanyu, learned standing counsel that there is no B.Tech [Electronics and Communication Engineering] in Pondicherry Engineering College, Puducherry and in the absence of such course, it is not possible to transfer the petitioner. On the other hand, Mr.Gnanasekaran, learned counsel for the petitioner would submit that even if a seat in

B.Tech [Electronics and Communication Engineering] is not available, there are vacant seats in B.Tech [Electronics and Instrumentation Engineering] and the syllabus for both the courses for the first year is one and the same. He has also filed a document to show that there are vacancies in B.Tech [Electronics and Instrumentation Engineering].

6.It is submitted by Mr.A.Gandhiraj, learned Government Pleader (P) as well as Mr.Stalin Abhimanyu, learned standing counsel for Pondicherry University that even first year syllabus varies for B.Tech., (Electronics and Communication Engineering) and B.Tech., (Electronics and Instrumentation Engineering). Therefore, the student, who is undergoing B.Tech., (Electronics and Communication Engineering) in Perunthalaivar Kamarajar Institute of Engineering and Technology, Karaikal cannot be admitted in the second year in B.Tech., (Electronics and Instrumentation Engineering) in Pondicherry Engineering College, Puducherry. They would further submit that the second year syllabus for both the courses is also different and the third semester is already over and the petitioner has to wait till next year to get admitted in second year, provided he is eligible to be admitted. Thus, Mr.Stalin Abhimanyu, learned standing counsel would submit that two different syllabuses have been prescribed for the first year for the aforesaid two courses. Paragraph 11 of the counter affidavit is extracted as follows:

"I submit that the paper 'Engineering Graphics' offered under category 'EGD' during the 1st year by Pondicherry Engineering College under the Autonomous stream is assessed as a theory paper whereas in Pondicherry University it is assessed as a practical paper. Moreover the syllabus prescribed for 'Engineering Graphics' by Pondicherry Engineering College under the Autonomous stream is different from that of the syllabus prescribed for the paper by Pondicherry University."

7.When the first year syllabus is different for B.Tech., (Electronics and Communication Engineering) and B.Tech., (Electronics and Instrumentation Engineering), the student cannot be transferred from Perunthalaivar Kamarajar Institute of Engineering and Technology, Karaikal to Pondicherry Engineering College, Puducherry, that too, after the lapse of third semester. Therefore, it is not possible for this Court to direct the respondents to admit the petitioner in B.Tech., (Electronics and Instrumentation Engineering) in Pondicherry Engineering College. If at all the petitioner could ask for transfer to Pondicherry Engineering College, provided there is vacancy in B.Tech., (Electronics and Communication Engineering), which course the petitioner is undergoing in Perunthalaivar Kamarajar Institute of Engineering and Technology, Karaikal.

8. With the above reservation of right, the Writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

maya/sai

To

1.The Director
Directorate of Higher and Technical Education,
Puducherry.

2.Secretary (Education)
Chief Secretariat,
Puducherry.

3.Principal,
Pondicherry Engineering College,
Puducherry.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.83200

+1cc to the Government Pleader, S.R.No.

RRK(13/12/2017)

W.P.No.23867 of 2017

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