

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2017

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.43268 of 2016

Venkateswara Industrial School
rep. by its Correspondent
G.S.T. Road,
Thanakkankulam & Post,
Madurai-625 006.

... Petitioner

Vs.

1. The Director of Employment & Training,
Guindy, Chennai-32.
2. The Regional Joint Director (Training),
Madurai Region, Madurai-7.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, directing the 1st respondent to publish the results of the 70 students admitted in 2014-15 and issue certificates of the examinations held in June, 2015.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.V.Anandhamurthy,
Additional Government Pleader

ORDER

The Writ Petition has been filed by the petitioner Industrial School seeking to issue a Writ of Mandamus, directing the 1st respondent to publish the results of the 70 students admitted in 2014-15 and issue certificates of the examinations held in June, 2015.

2. The 1st respondent had granted recognition for 3 years to conduct the following courses to the petitioner, namely, Electrical Technician, Automobile Mechanic and Mechanic Refrigeration and Air Conditioning and Central Plant. The said recognition has been periodically renewed and all the courses

are of one year duration. The students, who were admitted in the year 2014, are entitled to take up the examination in June, 2015. The written examination for the students, who were admitted during 2014-15, was held on 29.06.2015 at Government ITI, Madurai. The above venue was fixed only by the respondents and nearly 1,000 students from various Industrial Schools wrote their examinations. 70 students from the petitioner Institute had attended the examination from three different trades and the practicals were also completed on 30.06.2015.

3. While so, on 20.07.2015, the 1st respondent sent a notice stating that some of the students of the petitioner Industrial school were found in possession of the Answer Scripts in bit papers in the examination hall. Admittedly, the examination was conducted in the Government ITI and the invigilators are nominated by the respondents who are also Government Staffs. Above all, the question papers were in the custody of the respondents till they were opened in the Examination Hall. Therefore, the question of possession of incriminating materials with the students does not arise.

4. It is further alleged that the petitioner institute had demanded Rs.5,000/- for supply of those answer scripts which according to the petitioner is invented for the purpose of this case. Based on the allegation of malpractice, the 2nd respondent conducted an enquiry on two occasions and submitted a report. However, the results of the examinations of all the 70 students were not published and the students were intimated that the results were withheld. Aggrieved by the same, the above Writ Petition has been filed.

5. The 1st respondent has filed a counter affidavit. There also, it is stated that these students were found in possession of certain answer scripts alleged to have been given by the Correspondent of the petitioner Industrial School and as there is malpractice, their results were withheld.

6. Along with the Counter, the 1st respondent had also produced a copy of the Enquiry Report in this regard. It is stated that 4 of the students Answer Scripts are with them and 21 of the students were supplied with the answer scripts.

7. A reading of this Enquiry Report would go to show that the admissions were obtained from the students by coercion. When admittedly, the examination was conducted in the common place, namely, the Government ITI, Madurai, where along with the students belonging to the petitioner Association, more than 1000 students have taken up the examination, the allegation that the students of the petitioner Industrial School alone copied and were in possession of Answer Scripts are not believable. If

the respondents had found that the students were indulged in malpractice on the date of the examination, he should have immediately cancelled the examination and conducted re-examination which would have solved many of the problems. However, without doing so, the 1st respondent had simply withheld the results of the students and not published the same. The examination was held in June, 2015 and now it is turned to be June 2017, when two full years have passed. Having not published the results for more than two years, the stand of the 1st respondent that they would conduct a re-examination for these students and also give a refreshment training before examination does not speak good of them. The 1st respondent also volunteered to give any refreshment training that the students may require for one month and thereafter conduct a special examination for these students. Giving such an offer is not practical in view of the fact that the petitioner Industrial Training School has been closed for want of renewal of approval in the year 2015 itself.

8. It is stated by the learned Counsel for the petitioner that no student was admitted after that. It is further submitted by the learned Counsel for the petitioner that because of the allegation of the 1st respondent that the Correspondent himself has supplied the answer scripts to the students, he was put to great hardship and humility does not propose to continue to run the school any more. It is also submitted that since the Petitioner Industrial Training School is already closed, it is difficult to intimate to the students to come and take up the training and then appear for the Special Examination. In view of the said development, a proposal by the 1st respondent to offer refreshment training to the students and thereafter conduct a special examination is not a workable training.

9. In these circumstances, the 1st respondent is directed to publish the results of the students, who wrote examination through the petitioner's Training School in June, 2015, excluding the four students against whom the criminal cases are pending and to issue the certificates to those students who have cleared the examination. In the event, any of the student had failed in the same, it is open to them to take up privately or directly.

10. With the above direction, the Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Director of Employment & Training,
Guindy, Chennai-32.
2. The Regional Joint Director (Training),
Madurai Region, Madurai-7.

+1cc to Mr.S.Kamadevan, Advocate, S.R.No.42155

W.P.No.43268 of 2016

CS V
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