



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2017

CORAM:

THE HONOURABLE **MR. JUSTICE T.S.SIVAGNANAM**

AND

THE HONOURABLE **MR. JUSTICE P.VELMURUGAN**

W.A. (MD) No.394 of 2014 &

M.P. (MD) .No.1 of 2014

Dr.S.Perumal Sankar
The M.E.T.Engineering College,
Rep.by its Principal,
Mogals Garden, Poigai Dam Road,
Chenbagaramanpudur Post,
Kanyakumari District.

... Appellant/4th Respondent

vs.

1. S.Ramees Saleem
2. The State of Tamilnadu,
Rep.by its Secretary,
Department of Higher Education,
Fort St.George,
Chennai - 600 009.
3. The Principal /Secretary,
Commissioner of Technical Education,
Chennai - 600 025.
4. The Anna University,
Tirunelveli - 627 007.
Rep.by its Registrar.

...Respondents 2 to 4/Respondents 1 to 3

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act against the order, dated 26.11.2010, made in W.P.(MD).No.784 of 2010.

Prayer in WP(MD). 784/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records relating to G.O.Ms.No.162 (Higher Education J1) dated 02-06-2009 issued by the 1st respondent State Government in particular Sub Clause (d) of Clause 4 thereof and quash the same and consequently directing the respondents herein to allow the petitioner to pursue the B.E., Degree in Mechanical Engineering in the 4th respondent College by carrying the periodical Examinations, results and rewards of Degree. And pass such further of other orders.



WEB COPY

For Appellant : Mr.M.Mahaboob Athiff
For R2 & R3 : Mr.V.R.Shanmuganathan,
Special Government Pleader
For R1 & R4 : No Appearance

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**]

Heard Mr.M.Mahaboob Athiff, learned counsel appearing for the appellant and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 2 and 3.

2. This appeal is directed against the common order passed in a batch of cases in W.P(MD)Nos. 8167 of 2010 etc., dated 26.11.2010. The appeal is against the order made in W.P.(MD)No.784 of 2010. The matter pertaining to admission granted by various Engineering Colleges to students under NRI quota. This Court elaborately considered the matter and dismissed the writ petition. Against which, the college, who was the fourth respondent in the writ petition, has approached this Court. The identical plea was raised in the case of **PSN Institute of Technology vs. Shifan Safar and others in Writ Appeal (MD)Nos.334 of 2011 etc., batch, dated 09.12.2015** and the Division Bench after elaborately hearing the matter, dismissed the appeals and affirmed the costs imposed on the Institution. Thus, the issue being squarely covered by the decision of the Division Bench, we are not inclined to take a different view.

3.The learned counsel for the appellant would contend that the case of the first respondent is quite different from that of the case in respect of other colleges. Firstly, it has been noted that the first respondent/student is not before us by way of appeal. Therefore, the present plea raised by the appellant/institution is an afterthought. Thus, the appeal filed by the Institution fails and appeal is dismissed. Thus, following decision of the Division Bench referred supra, the appeal stands dismissed and the cost of Rs.1,00,000/- (Rupees one lakh only) to be paid to the Tamil Nadu Flood Relief Fund within a period of six weeks from the date of receipt of this judgment. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

**To:**

1. The Secretary,
Department of Higher Education,
Fort St. George,
Chennai - 600 009.
2. The Principal /Secretary,
Commissioner of Technical Education,
Chennai - 600 025.
3. The Registrar,
The Anna University,
Tirunelveli - 627 007.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 59878.
+1 CC to M/s.AJMAL ASSOCIATES, Advocate, SR No. 59857

AM/VSA

PSM/KKR/SAR4/30.06.2017/3P/6C

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