

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10719 of 2018

S.Shankar,
IFC College,
Bus Stand Royal Theatre Opposite,
Near Nalli Hospital Road,
Erode-638 011.

.. Petitioner

Vs.

1. The Registrar,
Tamil Nadu Open University,
No.577, Anna Salai,
Saidapet, Chennai-600 015.

2. The Joint Director/In-charge,
Tamil Nadu Open University,
No.577, Anna Salai,
Saidapet, Chennai-600 015.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in F.No.TNOU/SSSD/IFC-LRC/HC-M/inspection report/2018, dated 11.04.2018 and quash the same and consequently direct the first respondent to recognize the petitioner's Learning Resource Centre IFC Erode, to offer Academic programmes of Tamil Nadu Open University and to run the distance education centre.

For Petitioner : Mr.V.Subramanian
For Respondents : Mr.P.Sanjay Gandhi

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondents in F.No.TNOU/SSSD/IFC-LRC/HC-M/inspection report/2018, dated 11.04.2018 and quash the same and consequently direct the first respondent to recognize the petitioner's Learning Resource Centre IFC Erode, to offer Academic programmes of Tamil Nadu Open University and to run the

distance education centre.

2. Without furnishing a copy of the inspection report, the impugned order has been passed. In page 27 of the typed set of papers, which requires over-all comments, it is found to be blank, whereas the respondent-University has stated that the over-all comments had been enclosed in separate sheet, in respect of the inspection held on 28.03.2018 and that the inspection report was given on 02.04.2018. The impugned order clearly reveals that the inspection report of IFC College was submitted on 02.04.2018. Admittedly, it does not find place in the copies produced by the petitioner in the typed set of papers. When this Court asked the respondents to produce the original documents, the respondents have produced the original file, and the petitioner produced the xerox copy, which was duly attested by the respondents, wherein there is no reference to enclose any separate sheet of the inspection report, which is silent, whereas in the originals produced, the respondents have enclosed a separate sheet and the inspection report dated 02.04.2018 is found therein. By no stretch of imagination, the documents produced by the petitioner can be stated to be fabricated. Admittedly, the said inspection report was not furnished to the petitioner enabling the petitioner to respond.

3. Hence, this Court is of the view that the impugned order has got to be interfered with, as the over-all comments have not been furnished by the petitioner which is blank in the copy given to the petitioner, even though the inspection report is said to be there in the original files produced by the respondents. Hence, the impugned order is interfered with and the petitioner's college must be given an opportunity to put forth their reply and that the respondents are entitled to pass appropriate orders within a period of one week from the date of the comments that will be produced by the petitioner on the inspection report, copy of which has now been furnished by the respondents to the petitioner and the comments have got to be submitted by the petitioner within one week from the date of receipt of a copy of this order and thereafter, within one week, it is open for the respondents to pass appropriate orders. The original inspection report is handed over to the learned counsel for the respondents and a copy of the same is simultaneously given to the counsel for the petitioner and all the documents which contain the attestation of the respondents, is returned to the petitioner. Copy of the inspection report dated 02.04.2018 in respect of the inspection which was held on 28.03.2018, had been handed over to the learned counsel for the petitioner for enabling the petitioner to file reply within the time stipulated above.

4. The Writ Petition is allowed to the extent indicated above. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

cs

To

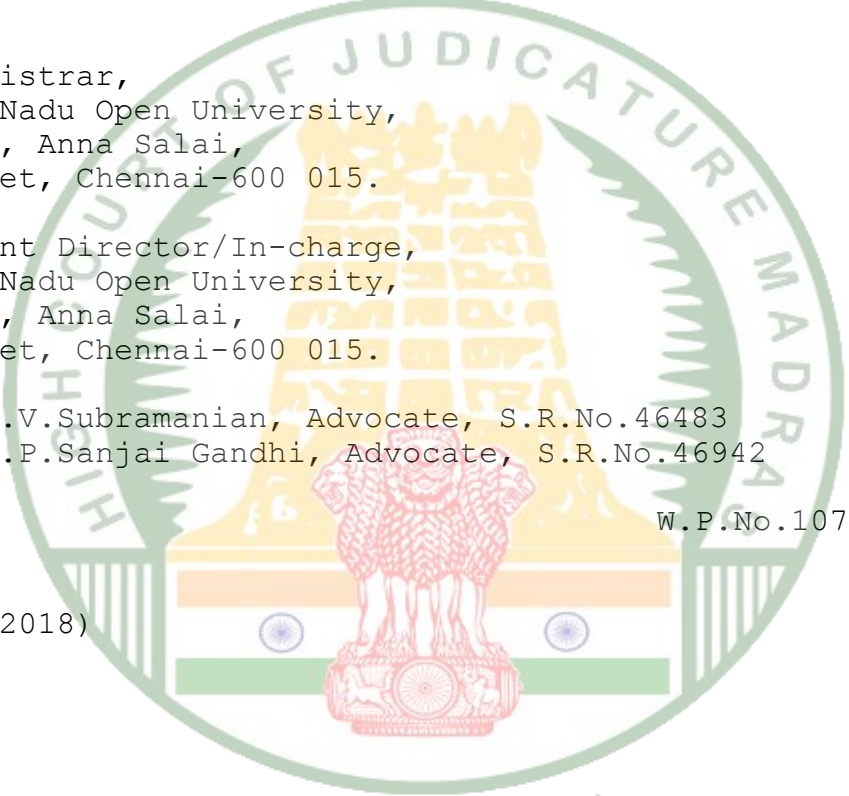
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+1cc to Mr.V.Subramanian, Advocate, S.R.No.46483

+1cc to Mr.P.Sanjai Gandhi, Advocate, S.R.No.46942

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VBA(CO)
GSP(01/08/2018)



सत्यमेव जयते

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