

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.18939 of 2015

and MP No.1 of 2015

Rajkumar

... Petitioner

Vs.

- 1 The Secretary to Government,
Government of Tamil Nadu,
Department of Higher Education,
Secretariat, Fort. St. George,
Chennai - 600 009
2. The Registrar,
Bharathithasan Unviersity,
Palkalai Perur,
Trichy-620024
3. The Director,
Directorate of Employment and Training,
Alandur Road,
Thiru V.Ka.Industrial Estate,
Guindy, Chennai-600032
4. The Zonal Joint Director,
Directorate of Employment and Training,
Employment Office,
Coimbatore Govt. I.T.I Campus,
Tudiyalur, Mettupalayam Road,
Coimbatore-641029
5. The Chief Executive Officer,
Amirta International Institute of Hotel Management,
No.5/640, Thadagam Road,
Indian Oil Petrol Bunk Backside,
KNG Pudur Extension,
Coimbatore-641 108

6. The Principal,
Amirta International Institute of Hotel Management,
No.5/640, Thadagam Road,
Indian Oil Petrol Bunk Backside,
KNG Pudur Extension,
Coimbatore-641 108

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing the respondents 5 and 6 to issue Hall Ticket to the petitioner and to permit him to attend the examination commencing from 29.06.2015, consequently directing the respondents 5 and 6 to issue course certificate to the petitioner with the name of respondents 2 and 3 by considering the petitioner's representation dated 16.06.2015 in accordance with law.

For Petitioner : Mr.P. Settu
For R.1,R.3&R.4 : Mr.R. Vijayakumar
AGP
For R.2 : Mr.V. Govardhan for
M/s Row and Reddy
For R.5 & R.6 : Mr.R. Krishna Prasad for
M/s Sarvabhauman Associates

ORDER

The petitioner has filed the present writ petition seeking to issue a Writ of Mandamus directing the respondents 5 and 6 to issue Hall Ticket to the petitioner and to permit him to attend the examination commencing from 29.06.2015, consequently directing the respondents 5 and 6 to issue course certificate to the petitioner with the name of respondents 2 and 3 by considering the petitioner's representation dated 16.06.2015 in accordance with law.

2. The case of the petitioner is that the petitioner completed his 10th standard through private studies and thereafter, completed 12th standard and was issued Transfer Certificate and at the time of joining degree course, he submitted the Transfer Certificate and after completing the degree course, he was issued with Transfer Certificate by the Institution. Thereafter, the petitioner joined one year course in Food Production offered by the respondents 5 and 6 and though he has completed the course, they have denied to issue the Hall Ticket in respect of the examination on the ground that the petitioner has not produced the Transfer Certificate issued by the school after completing his 10th standard.

3. It is also the case of the petitioner that the petitioner requested the respondents 5 and 6 to return the original certificates and also deposited a sum of Rs.20,000/- and inspite of the same, they have not issued the certificates, as a result, the petitioner could not attend the certificate verification, conducted by the Principal District Court, Tirunelveli. Therefore, the petitioner made a representation dated 16.06.2015 but no action has been taken by the respondents till now. Hence the petitioner has filed the present writ petition.

4. According to the learned counsel for the petitioner, the original certificates are still lying with the respondents 5 and 6, as supported by the acknowledgments given by them. Upon repeated representations, those certificates have not been handed over. The learned counsel for the petitioner now undertakes to enclose all the acknowledgments, issued by the authorities, along with a fresh representation so as to consider the same by the respondents 5 and 6.

5. Under such circumstances, there shall be a direction to the respondents 5 and 6 to consider the representation of the petitioner, to be filed by the petitioner, along with all the acknowledgments and return back the original certificates along with Course Certificate. If original certificates are not available with the respondents 5 and 6, necessary intimation be furnished to the petitioner forthwith, enabling the petitioner to get duplicate copy of the same from the authorities concerned. The petitioner is directed to submit a fresh representation along with all acknowledgments within a week from the date of receipt of a copy of this order and on receipt of the same, the respondents 5 and 6 are directed to pass appropriate orders within two weeks thereafter. With the above direction, the writ petition is disposed of. No costs. Consequently, connected MP is closed.

Assistant Registrar

Dt.28.1.18

//True Copy

Sub Assistant Registrar

To

- 1 The Secretary to Government,
Government of Tamil Nadu,
Department of Higher Education,
Secretariat, Fort. St. George,
Chennai - 600 009

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Coimbatore-641 108

+1 cc to Mr.P.Settu,advocate,sr.576

+1 cc to M/s.Row & Reddy,advocate,sr.610

+1 cc M/s.Sarvabhauman associates,advocate,sr.1053

+1 cc to Government Pleader,sr.1136.

Br (co)
krd 1/2

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