



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) No. 11926 of 2018

and

W.M.P.(MD) No.10881 of 2018

The Secretary
Punitha Vallanar Meenavar Kalvi Arakkattalai
St.Xaviers Polytechnic College
Seydunganallu, Thoothukudi
Tamil Nadu- 628 809

... Petitioner

vs.

1. All India Council for Technical Education
7th Floor, Chandslok Building
Janapath, New Delhi- 110 001

2. The Regional Director
Southern Regional Office, AICTE,
26, Hawods Road, Sarsibhavan
Chennai- 600 006.

3. The Director
Directorate of Technical Education
Chennai- 600 025.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus to directing the third respondent to issue Diploma Certificate to all the 273 students admitted in the Diploma Course for the academic year 2014-15 in the petitioner institution except the 30 students who were already provided with the same.

For Petitioner	: Mr.R.Maheswaran
For Respondents No.1	: Mr.N.Dilip Kumar
No.2 and 3	: Mr.V.Anand
	Government Advocate

O R D E R

The writ petition is filed for issuance of a writ of mandamus directing the third respondent to issue Diploma Certificate to all the 273 students admitted in the Diploma Course for the academic year 2014-15 in the petitioner's institution except the 30 students who were already provided with the same.



2. The petitioner is a Trust formed in the year 1984 and its main objective is to provide quality higher education to the students from the rural areas of Thoothukudi and Tirunelveli Districts particularly to fishermen who are educationally backward and financially poor. The petitioner states that it is a Minority Institution. It is not in dispute that the petitioner started the polytechnic in the year 1985 at Seydunganallur, a rural area for imparting technical education to boys and girls. It is stated that most of the students in the petitioner's college are from socially and economically weaker sections of the society. It is further stated that the institution is providing admission to 100 students every year from the poor fishermen community. It is also stated that free hostel facility, including mess charges, are borne by the management for the poor students.

3. It is admitted that by an order dated 20.02.2014 due to non-compliance of certain deficiencies pointed out by the first respondent the application for extension of approval for the academic year 2014-2015 was rejected. Challenging the said order, the petitioner filed a writ petition in W.P(MD) No. 8064 of 2014, wherein this Court has granted interim stay of the order passed by the first respondent dated 25.03.2014. It is stated that on the basis of the interim order passed in the said writ petition, the petitioner has admitted 273 students for the academic year 2014-2015. It is also admitted by the learned counsel for the petitioner that on the basis of the order obtained from Court, 273 students were permitted to write the sixth semester examinations and the result of the examinations was published by the third respondent during May 2017. Therefore the third respondent sent a communication dated 18.05.2017 stating that the results may be withheld for the students. Thereafter by way of the interim order, the petitioner got the results published. Since the results were published pursuant to the orders of this Court dated 07.06.2017, it is also admitted that the provisional certificate and the consolidated mark sheet of the eligible candidates were furnished to the students. Since the validity of the provisional certificates is for a limited period of six months, the petitioner states that on the basis of the marks, the students are likely to join Engineering College by lateral entry. It is further stated that some of the students have also got placement in some reputed companies. Since the engineering college and the organisation who have employed students require original diploma certificates and the mark sheets for the sixth semester examinations, the petitioner has come forward with the present writ petition.

4. The learned counsel for the petitioner further states that <https://hcservices.ecourtshc.in/hcservices/> some of the students have joined this year as lateral entry and they require diploma certificates for applying engineering course. Hence it is submitted that in the interest of justice, the third



respondent may be directed to issue diploma certificates to the students, who were admitted in the diploma course in the petitioner institution for the academic year 2014-2015.

5. The learned counsel for the respondent submitted that students were joined only at the instance of the petitioner without approval illegally and hence no indulgence can be shown as it would amount to permit the petitioner to take advantage of its own wrongly purely on sympathetic ground. He would further state that huge sum of amount is involved in this matter and that they face penal action. It is also stated that the respondents are not in a position to take action in view of the pendency of other writ petition. It is to be noted that the students were earlier completed the course pursuant to the interim orders passed by this Court. It is also stated that diploma certificate was also granted in favour of 30 students who have completed their course by taking supplementary examination.

6. Taking into account the interest of the students, this Court is of the view that the writ petition can be allowed, however without prejudice to the rights of the respondents to proceed against the petitioner institution to take proper action against the petitioner in accordance with law.

7. As a result, this writ petition is allowed and the third respondent is directed to issue diploma certificate to all the students admitted in the petitioner's institution in the diploma course for the academic year 2014-2015 within a period of two weeks from the date of receipt of a copy of this order. However, it is open to the first respondent to take any appropriate action as it is available to them in law. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

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3. The Director
Directorate of Technical Education
Chennai- 600 025.

+1cc to Mr.G.Prabhu Rajadurai, Advocate Sr.No.69530

+1cc to Mr.N.Dilip Kumar, Advocate Sr.No.69684

+1cc to SPECIAL GOVERNMENT PLEADER, Sr.No.69613

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MK/SKN RSK/SAR 3/28.06.2018/4P/7C

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