



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

and

THE HONOURABLE MR. JUSTICE C.SARAVANAN

W.A(MD)No.595 of 2013

D.Suji Premini

.... Appellant/Petitioner

Vs.

1.The Principal Secretary/
'the Commissioner of Technical Education,
Directorate of Technical Education,
Chennai - 25.

2.The Registrar,
Anna University,
Tirunelveli.

3.The Principal,
C.S.I. Of Institute of Technical Education,
Thovalai,
Kanyakumari District.

... Respondents/Respondents

PRAYER: The Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 05.10.2012 in W.P.No.12952 of 2012.

Prayer in WP(MD). 12952/ 2012 :

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 pertaining to the impugned order passed by the 1st respondent in his letter No.41908/J4/08 dated 22.05.2009 and quash the same and consequently direct the Respondents to publish the results of semesters in M.C.A. Courses.

For Appellant :Mr.S.Sugumar
for Mr.K.Elil Selvi

For R1 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R2 : Mr.M.Raja Rajan

For R3 : Mr.M.R.S.Prabhu

for Mr.V.K.Vijaya Raghavan



J U D G M E N T

(Judgment of this Court was delivered by S.S.SUNDAR., J.)

The unsuccessful writ petitioner has filed the present Writ Appeal challenging the order passed by the learned single Judge in W.P.No.12952 of 2012 dated 05.10.2012.

2. The appellant joined M.C.A. Course in the third respondent Institute during the year 2008-2009. Though the appellant submitted an application for the first year M.C.A. Course on 29.07.2008 before the third respondent, the appellant did not produce her provisional certificate till 07.11.2008, on which date the appellant was admitted in the third respondent Institute. The appellant also paid the first instalment fees on 13.11.2008 and the second instalment was also paid by the appellant on 28.11.2008.

3. The second respondent sent a letter dated 03.01.2009 rejecting the appellant's candidature. It is in these circumstances the appellant filed earlier writ petition in W.P.No. 5658 of 2009 for issuance of a direction to the Director of Technical Education to approve the appellant's admission in M.C.A. Course. Thereafter, the petitioner has filed another writ petition in W.P.No.13939 of 2010 seeking a direction to the Controller of Examinations, Anna University to receive the examination fees and to issue Hall Ticket and permit the appellant to write final semester examinations in view of the order dated 19.10.2009 in the earlier writ petition in W.P.(MD) No.5658 of 2009. The third writ petition was also filed by the appellant in W.P.(MD) No.3551 of 2011 seeking a direction to the third respondent to receive final project review fees and to issue final project form and permit the appellant to complete final project review in M.C.A. Course in view of the interim order granted by this Court in the earlier writ petition filed by the petitioner.

4. After the communication dated 03.01.2009 issued by the Controller of Examination of Anna University, the third respondent Institution requested the University for supplementary approval. The Director for Technical Education passed an order on 22.05.2009 rejecting the request of the College. It is evident that the third respondent Institution has invited the appellant by order dated 30.06.2009 to come and collect the original certificate and Transfer Certificate.

5. Thereafter, the Director of Technical Education passed an order dated 22.05.2009 refusing to approve the admission of the appellant in M.C.A course. However, the said order was also challenged in the subsequent writ petition filed by the appellant in W.P.(MD) No.12952 of 2012.

6. It is to be noted that the first three writ petitions filed by the petitioner in W.P.(MD)No.5658 of 2009, W.P.(MD)No.13939 of 2010, W.P.(MD) No.3551 of 2011 were dismissed by a common order dated 29.06.2012. While dismissing the writ petitions, this Court has found that the order refusing to approve the admission of the



appellant dated 22.05.2009 was not put to challenge in any of the writ petitions. It was further stated in the order that the appellant joined the College only on 28.11.2008 and that she was attending the College only upto 30.06.2009.

7. Having regard to the admitted fact that the petitioner was admitted to the third respondent Institution beyond the cut off date and the University has refused to approve the admission of the appellant by the third respondent, the writ petitions filed by the petitioner were dismissed finding no merit. The appellant has not challenged the order dismissing the writ petitions filed by the petitioner despite the fact that this Court has observed that the appellant's admission was rightly denied by the University on the ground that she was admitted after the cut off date. However, taking advantage of the observation of the learned Judge while dismissing the three writ petitions that the appellant has not challenged the order dated 22.05.2001 and it was also stated as a reason for rejecting the earlier writ petitions filed by the petitioner, the appellant has filed yet another Writ Petition in W.P.NO.12952 of 2012 which was dismissed by the order impugned in this Writ Appeal.

8. This Court and the Hon'ble Supreme Court time and again directed the Institution not to admit any candidate beyond cut off date in any circumstances. The facts that the appellant's admission was not approved by the respondent University even earlier and the appellant was admitted beyond the cut off date are not in dispute. The issue whether the petitioner's admission to the third respondent Institution can be approved or not has been decided by this Court in the earlier round of litigation. Having regard to the specific reason given by the learned Judge to dismiss the writ petition that the appellant was not admitted before cut off date for want of her eligibility for admission, we find no merit in the writ Appeal. Hence, this Writ Appeal is dismissed. No costs.

9. It is seen from the paper book that the third respondent Institution has already given a communication to the appellant to get back all the Certificates that were given by the appellant at the time of admission. It is made clear that the third respondent Institution shall hand over the Certificates in case if it is available with them.

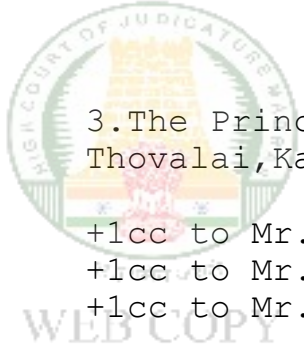
Sd/
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar(CS-III)

To

- 1.The Principal Secretary/'the Commissioner of Technical Education,
<https://heservices.ecourts.gov.in/hcservices/> Directorate of Technical Education, Chennai - 25.
- 2.The Registrar, Anna University, Tirunelveli.



3.The Principal,C.S.I. Of Institute of Technical Education,
Thovalai,Kanyakumari District.

+1cc to Mr.V.K.Vijaya Ragavan, Advocate, SR.No.95076

+1cc to Mr.M.RAJARAJAN, Advocate, SR.No.94828

+1cc to Mr.K.ELILSELVI, Advocate, SR.No. 94626

W.A. (MD) No.595 of 2013

CM

KK/PM/SAR-3/31.12.2018/4P-7C