

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2019

CORAM

THE HONOURABLE Mrs.JUSTICE PUSHPA SATHYANARAYANA
W.P.No.4854 of 2018 and
W.M.P.Nos.24773, 5986, 6325 of 2019

Minor S.S.Dharineesh
Rep by its Father and
Natural Guardian S.Sowmiyan ... Petitioner

--Vs--

1. The Director of Technical Education,
Guindy, Chennai - 25
2. The Principal,
Sri Muthukumaran Institute of Technology,
Chikkarajapuram (Near Mangadu),
Chennai 600 069.
3. The Controller of Examinations,
Anna University, Chennai -25.
4. The Revenue Divisional Officer,
Ambattur.
5. The Tahsildar,
Ambattur ... Respondents

[R3 impleaded vide order dated 28.02.2019
made in W.M.P.No.6321/19 in W.P.No.4854 of 2018]

[R4 and R5 are suo motu impleaded as per the
order of this Court dated 14.03.2019]

Prayer: Writ petition has been filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records of the second respondent in its letter No.SMIT/DOTE/2017-18/02/001 dated 22.02.2018 and quash the same and consequently direct the respondents to approve the admission of the minor petitioner to the BE course for the academic year 2017-2018 by permitting him to attend the classes and appear for examination.

For Petitioner : Mr.V.Vijay Shankar

For Respondents 1, 4 : Ms.Narmadha Sampath
and 5 Additional Advocate General
assisted by Mr.V.Kadhirvelu,
Special Government Pleader (Hr.Edn)
and Mr.N.Inbanathan,
Additional Government Pleader

For Respondent-3 : Mr.M.Vijayakumar

For Respondent 2 : Mr.T.Meikandan

O R D E R

The Writ Petition is directed against the impugned order of the second respondent in letter No.SMIT/DOPE/2017/2018/02/001 dated 22.02.2018 and seeking a direction to the respondent to approve the admission of the minor petitioner to B.E.Course for the academic year 2017-2018 by permitting him to attend the classes and appear for the examination.

2. The affidavit is sworn by the father of the minor petitioner stating that his son Minor S.S.Dharaneesh, who belonged to Konda Reddi Community, is a Scheduled Tribe under the Constitution. The minor petitioner's father and his sister possess the community certificate describing them as the persons belonging to Konda Reddi Community. He was admitted in the second respondent-College in August 2017 in B.E. Computer Science Engineering Course. While so, the second respondent issued a letter dated 22.02.2018 stating that pursuant to the direction of the first respondent not approving his admission for not producing the community certificate, he was not permitted to attend the second Semester classes.

3. The petitioner states that he has made an application before the Revenue Divisional Officer, Tondairpet in November 2017 for issuance of the community certificate for his son and the same is under consideration by the authorities. Before the certificate could be given by the authorities, the impugned order was passed by the second respondent.

4. Subsequently, the Controller of Examinations, Anna University is impleaded as third respondent in this Writ Petition, vide order dated 28.03.2019 in W.M.P.No.6321 of 2019 in W.P.No.4854 of 2018. The Revenue Divisional Officer, Ambattur and the Tahsildar, Ambattur are suo motu impleaded as

respondents 4 and 5 respectively in this Writ Petition, vide order dated 14.03.2019.

5. The learned counsel for the petitioner produced the recommendation of the Village Administrative Officer, Ambattur, dated 30.08.2018, which is subsequent to the filing of the Writ Petition recommending the issuance of the community certificate to his son as requested. The Revenue Inspector, Ambattur had also recommended for issuance of the community certificate, after due enquiry. Based on the recommendation of the Village Administrative Officer and The Revenue Inspector, The Tahsildar, Ambattur had also made an enquiry and submitted his report on 22.10.2018 stating that on enquiry, it was ascertained that the petitioner is belonging to Konda Reddi Community and recommended to the Revenue Divisional Officer/Sub Collector for issuance of the community certificate.

6. Today, Ms.Narmadha Sampath, learned Additional Advocate General assisted by Mr.V.Kadhirvelu, learned Special Government Pleader (Higher Education), who had accepted notice on behalf of the respondents 1, 4 and 5, produced an order dated 05.04.2019 passed by the Revenue Divisional Officer, as per which, it is stated that the petitioner is not entitled for the community certificate as requested.

7. As the request of the petitioner to issue the community certificate is negatived, it is open to him to take an appropriate action as per the law within appropriate time.

8. Be that as it may. It is stated by the learned counsel for the petitioner that after joining the College, the petitioner's son's first semester results were declared. So far as the second and third semesters are concerned, though he was permitted to sit for the examinations, the results are not yet announced. The fourth semester is scheduled to commence this month.

9. As the College had already admitted the student subject to the production of the community certificate, the student/son will be permitted to continue his education in the second respondent-College.

10. In the above factual scenario, this Court is inclined to pass the following order:-

a) It is open to the petitioner to challenge the order refusing to issue him the community certificate in accordance with law.

b) As and when the challenge is made, the Revenue authorities have to pass an appropriate order within a reasonable time.

c) The admission of the student / son in the College will be approved only subject to the production of the community certificate.

d) The student is permitted to continue his education and write his examinations.

e) The third respondent is also directed to publish the results of the student for the second and third semesters within a week from the date of receipt of a copy of this order.

f) This order is passed only to enable the student to continue his education without any break and it will not stand in the way of the authorities in issuing the community certificate based on evidence.

g) The student also cannot claim any equity.

11. With the above observations and directions, the Writ Petition is disposed of. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-IV)

//True copy//

Sub Assistant Registrar

srn

To

1. The Director of Technical Education,
Guindy, Chennai - 25

2. The Principal,
Sri Muthukumaran Institute of Technology,
Chikkarajapuram (Near Mangadu),
Chennai 600 069.

3. The Controller of Examinations,
Anna University, Chennai -25.

4. The Revenue Divisional Officer,
Ambattur.

5. The Tahsildar,
Ambattur

+1cc to Mr.M.Vijayakumar, Advocate SR.No.34414

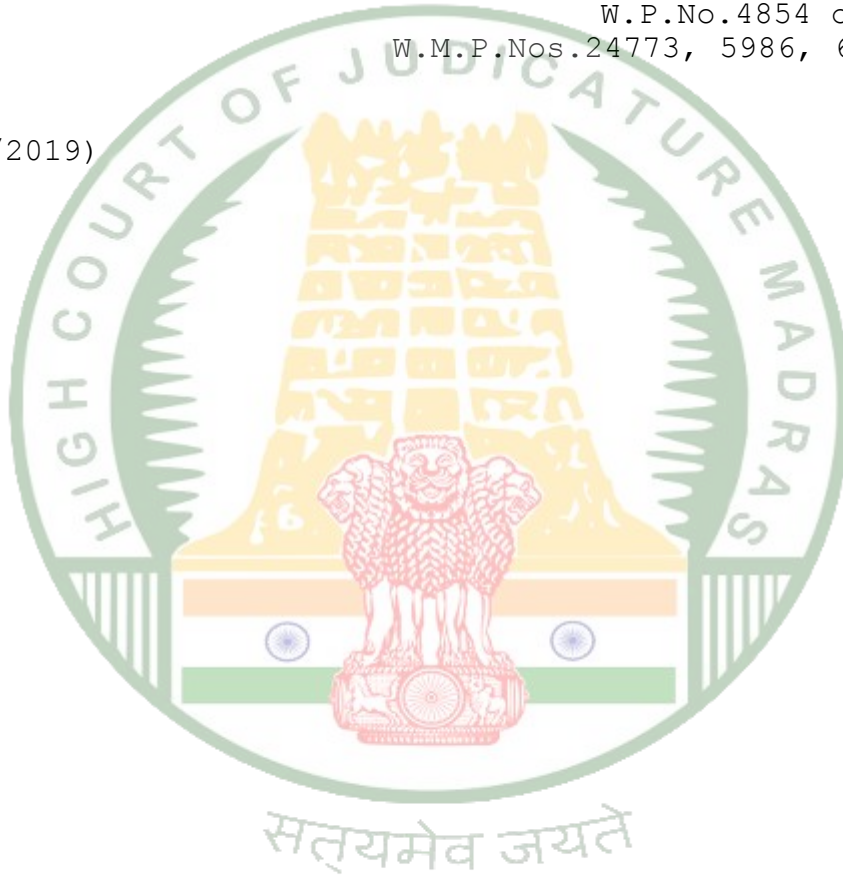
+1cc to Mr.T.Meikandan, Advocate SR.No.34535

+1cc to Mr.V.Vijayshankar, Advocate SR.No.35178

+2cc to Government Pleader SR.No.35300,34705

W.P.No.4854 of 2018 and
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VBA (CO)
GMY (07/05/2019)



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