

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 5.8.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.2676 of 2018
and
C.M.P.No.21816 of 2018

The Director,
Director of Government Examinations
College Road, Chennai-6. Appellant

Versus

1. A.Rajeswari
2. The Principal,
Ravindranath Tagore Teacher Training
Institute for Girls,
Veerachipalayam 637 303.
Sangari-West, Salem District.
3. The District Consumer Disputes
Redressal Forum,
District Court Campus,
Salem 636 007. Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order of this court dated 11.9.2018 in W.P.No.12028 of 2011.

WP.No.12028 of 2011:Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records of the proceedings of the 3rd respondent in C.C.No.54/2010, dated 25/10/2010.

For appellant : Mr.C.Munusamy,
Special Government Pleader
For R1 : No appearance.

JUDGMENT

(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

The Director of Government Examinations has filed this intra-court Appeal aggrieved by the order dated 11.9.2018

whereby the learned Single Judge has dismissed the Writ Petition filed by the Appellant.

2. The operative portion of the order passed by the learned Single Judge is quoted below for ready reference:-

"13. Having regard to the findings rendered in the earlier round of litigation, the petitioner's contentions in this Writ Petition have no merits. In that view of the matter, the direction of the Consumer Forum to the petitioner herein to pay a sum of Rs.5000/- towards the mental agony suffered by the first respondent, is justified.

14. This Writ Petition is pending from 2011 and it is stated that the petitioner herein has not published the results of the examination written by the first respondent and hence the object of this Writ Petition is to circumvent the earlier order of this Court. Hence, this Court is inclined to dismiss the Writ Petition with costs of another Rs.5000/- payable to the first respondent. Accordingly, the petitioner is directed to publish the examination results of the first respondent forthwith and issue course certificate in due course alongwith further costs of Rs.5000/-.

15. With the above directions, the Writ Petition is dismissed with costs. Consequently, connected miscellaneous petition is closed."

3. As against the order of the District Consumer Forum, if aggrieved, the Director of Government Examinations, Chennai ought to have filed regular appeal under the Consumer Protection Act before the State Consumer Forum instead of filing Writ Petition under Article 226 of the Constitution of India.

4. Having heard the learned Special Government Pleader Mr.C.Munusamy, we are satisfied that there is no valid exception for entertaining the present Appeal and to interfere with the order passed by the learned Single Judge since the alternative remedy was available to the Appellant to approach the State Consumer Forum the Director of Government Examinations, Chennai against the said order passed by the District Consumer Forum.

5. Therefore, we dispose of this Appeal by giving the aforesaid liberty to the Appellant. If such Appeal is filed by the Appellant within 30 days from today, the State Consumer Forum may not raise any objection about the expiry of limitation in filing the Appeal, however it may entertain the Appeal, subject to compliance of other conditions for filing the Appeal.

Till the State Consumer Forum decides the regular Appeal, the direction of the learned Single Judge to pay the further cost of Rs.5000/- shall remain stayed. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ssk.

To:

1. The Director,
Director of Government Examinations
College Road, Chennai-6.
2. The Principal,
Ravindranath Tagore Teacher Training
Institute for Girls,
Veerachipalayam 637 303.
Sangari-West, Salem District.
3. The District Consumer Disputes
Redressal Forum,
District Court Campus,
Salem 636 007.

+1 cc to the Government Pleader sr67129

सत्यमेव जयते

W.A.No.2676 of 2018

gp(co)
aa23/09/2019

WEB COPY