



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.07.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

W.P.No.29775 of 2018
& W.M.P.Nos.34744 & 34746 of 2018

Sri Saraswathy Private,
Industrial Training Institute,
Rep by its Correspondent,
Viswam Nagar,
Arasur,
Sirkazhi Taluk,
Nagappatinam District.

... Petitioner

/versus/

1. The Commissioner of Employment & Training,
Guidy,
Chennai-32.

2. The Regional Joint Director (Training),
Trichy Region,
Khajajh Malai,
Trichy - 20.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, to call for the records pertaining to the orders of the first respondent in Na.Ka.14986/Kai.Pa.3/2016, dated 25.04.2018 and quash the same in so far as it imposes ban against the petitioner institute from participating in the District wise counselling and consequently direct the respondents to disburse training costs payable to the students admitted under the Government Quota in terms of G.O.Ms.115 Labour & Employment Department dated 19.07.2012.

For Petitioner : Mr.S.Kamadevan

For Respondents : Mr.N.Inbanathan
Additional Government Advocate

O R D E R

Heard the learned counsel for the petitioner and the learned counsel for the respondents.



2. The petitioner Institute was restrained from getting allotment under Government quota for their Institute for a period of five years starting from academic year 2016-2017, 2020-2021. Since the petitioner Institute in collusion with the other sister Institute has made a false claim under Tsunami rehabilitation scheme and enriched itself. After the false claim came to light, the Petitioner Institute has repaid the excess money drawn. However, the ban for allotting students under Government quota, for a period of five years has come into force.

3. The contention of the petitioner herein is that, even before the ban order could be passed, the students for the academic year 2016-2017 were allotted by the Government and they were pursuing the course in their Institute. Therefore, besides the ban of five years starting from academic year 2016-2017 and 2020-2021, which is the grave punishment for the Institute, without prejudice, repaid the entire amount. However, on perusing the records and the counter filed by the respondents, this Court found that falsification of account has led to temporary misappropriation of funds allotted for Tsunami rehabilitation. Therefore, the ban order of the respondents is perfectly correct. Except to the fact that during the pendency of the ban order, the Government has allotted some students for the academic year 2016-2017. The learned counsel for the petitioner would submit that those students have already completed their course.

4. In the said circumstances, virtually the ban order has come into force only from the academic year 2017-2018. If five years ban to be upheld, the period of ban should extend till the academic year 2021-2022. Now, the petitioner has filed affidavit stating that the ban order may be restricted upon for the academic year 2020-2021. As far as the candidates who have been already allotted by the Government for the academic year 2016-2017 may be considered, as a candidate allotted under Government Quota and the training costs be paid to the Institute. Having confined his prayer for disbursement of training costs payable to the students already allotted by the Government for the academic year 2016-2017 and the affidavit is also filed to that effect, this Court has passed the following order:-

1. The order passed by the respondents imposing ban on the Institute, regarding allotment of students under Government Quota upto the academic year 2020-



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2021 is confirmed.

2. The students who were admitted for the academic year 2016-2017 are allowed to complete their course. The training costs of those students shall be paid to the Institute, on production of necessary documents.

5. Accordingly, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

bsm

To,

1. The Commissioner of Employment & Training,
Guidy,
Chennai-32.

2. The Regional Joint Director (Training),
Trichy Region,
Khajajh Malai,
Trichy - 20.

+1 CC to The Govt. Pleader sr 58053.

+1 CC to Mr.S.Kamadevan, Advocate sr 57750(04/09/2019)

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CP(CO)
SP(05/08/2019)