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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.19518 of 2017

and

W.M.P (MD) .No.15815 of 2017

Sherine Typewriting Institute
rep., by its Proprietor,
P.Kamaladas

... Petitioner

Vs

1.The Chairman,
Board of Examination,
Directorate of Technical Education,
Guindy, Chennai-600 025.

2.The Director,
Board of Examination,
Directorate of Technical Education (Exam),
Guindy, Chennai-600 025.

3.The Additional Director,
Board of Examination,
Directorate of Technical Education (Exam),
Guindy, Chennai 600 025.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned letters No.109632/Ar3/2016-73 dated 29.12.2016 and dated 19.05.2017 with holding the recognition to be given to the petitioner's typewriting institute may be quash the same and direct the respondent to give due recognition to the petitioner's typewriting institute.

For Petitioner : Mr.V.R.G.Mohan
For Respondents : Mr.M.Karuppasamy
Government Advocate

ORDER

Heard the learned counsel on either side.

2.The writ petitioner wants to establish the Typewriting Institute at Shenthur Complex, S.R.Naidu Nagar, Sattur, Virudhunagar District. The petitioner's application for recognition and approval has been denied by the second respondent on the ground that his institute is located within 200 meters from

another existing institute being run in the name of Angel Typewriting Institute.

3. The petitioner specifically points out that the said Angel Typewriting Institution is not a recognized one. It appears to be an Branch of Nirmala College of Commerce. But then, G.O.Ms.No.229, Education Department dated 21.03.1995 does not contemplate any opening of branch institution by a recognized institute. Therefore, Angel Typewriting Institution cannot be considered as a recognized institute. The Distance Rules can be applied only with reference to a recognized institution. Since Angel Typewriting Institution does not appear to be a recognized institute the second respondent erred in applying Distance Rule for negating writ petitioner's application.

4. In this view of the matter, the orders impugned in this writ petition stand quashed. The matter is remitted to the file of the second respondent, who shall pass orders afresh in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

5. It is made clear that the petitioner will have to comply with all the other norms and requirements that may be stipulated by the second respondent for granting recognition and approval. The only clarification made in this order is that the Distance Rules will have to be applied only by reckoning with reference to already recognized institution. Further, it is clarified in this order that each institute will be considered as a unit by itself and that there is no concept of a recognized typewriting institution having branch institution.

6. The Writ Petition is allowed on these terms. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

rmk

To

1. The Chairman,
Board of Examination,
Directorate of Technical Education,
Guindy, Chennai-600 025.



2.The Director,
Board of Examination,
Directorate of Technical Education (Exam),
Guindy, Chennai-600 025.

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3.The Additional Director,
Board of Examination,
Directorate of Technical Education (Exam),
Guindy, Chennai 600 025.

+1CC TO MR.VRG.MOHAN, Advocate Sr. No.63718

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.63755

W.P.(MD)No.19518 of 2017

DKS (CO)

TR (06.05.2019) 3P 6C