

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.13301 of 2020

S.Karun

... Petitioner

Vs.

1. Anna University,
Rep. By its Registrar,
Sardar Patel Road, Guindy,
Chennai-25.

2. The Directorate of Technical Education,
Rep. By its Commissioner,
Sardar Patel Road,
Chennai-25.

3. The Principal,
Hindusthan School of Architecture,
Othakkaimandapam Post,
Coimbatore-641 032.

4. Ar. Suresh Bhaskar,
Hindusthan School of Architecture,
Othakkaimandapam Post,
Coimbatore-641 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, directing the second respondent to effect transfer sought for by the petitioner considering the email dated 18.08.2020 sent to the second respondent and consequently directing the first respondent to take action against the respondents 3 and 4 for return of original certificates, including transfer certificate, within a time frame.

For Petitioner : Mr.R.Gopinath

For Respondents: Mr.M.Vijayakumar R1
Standing Counsel

Mr.E.Manoharan R2
Special Government Pleader

O R D E R

This Writ petition has been filed for the issue of a writ of mandamus directing the second respondent to give effect to the transfer sought for by the petitioner, wherein the petitioner got himself transferred from the third respondent college to McGans Ooty School of Architecture.

2. The petitioner was undergoing B.Arch. Course in the third respondent college from the year 2019 onwards. While he was in his third semester, he got himself transferred from the third respondent College to McGans Ooty School of Architecture. The petitioner made a representation to the second respondent to accord approval for the said transfer and to permit the petitioner to write the examinations and complete his course in the transferee College.

3. When the matter was taken up for hearing today, Mr.E.Manoharan, learned Special Government Pleader appearing on behalf of the second respondent circulated the communication of the second respondent dated 09.11.2020. The learned counsel for the petitioner also acknowledged the fact that this communication was also received by the petitioner. It is seen from this communication that the second respondent has accorded the approval for the transfer of the petitioner from the third respondent College to McGans Ooty School of Architecture.

4. The learned counsel for the petitioner submitted that the communication of the second respondent is silent with regard to the effective date of transfer of the petitioner to the transferee College. The learned counsel submitted that it should not be construed by the respondents that the transfer is effective only from 09.11.2020, based on the communication of the second respondent. The learned counsel submitted that if such an interpretation is given, the petitioner will have a problem in fulfilling the attendance requirement and consequently, it will cause hardship to the petitioner while taking the examinations, which is scheduled to be held from 17.11.2020.

5. In the considered view of this Court, the communication of the second respondent dated 09.11.2020 according sanction to the transfer of the petitioner from the third respondent College, will have to be necessarily given effect from the actual date of transfer i.e. from 12.08.2020. Since the petitioner has been attending classes online in the transferee college, the attendance will have to be calculated from 12.08.2020 onwards. This clarity will suffice and it will enable the petitioner to take the examinations scheduled to be held from 17.11.2020.

6. The first respondent viz., the Anna University shall take note of the communication dated 09.11.2020 sent by the second respondent and shall add the name of the petitioner as a student belonging to the transferee college.

7. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rli

To

1.The Registrar,
Anna University,
Sardar Patel Road, Guindy,
Chennai-25.

2.The Commissioner,
The Directorate of Technical Education,
Sardar Patel Road,
Chennai-25.

+1cc to Mr.M.Vijayakumar, Advocate SR.36560

+1cc to Mr.R.Gopinath, Advocate SR.36795

W.P.No.13301 of 2020

SJ(CO)
CB(08/12/2020)

सत्यमेव जयते

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