

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.15859 of 2020

and

W.M.P.Nos.19716 & 19717 of 2020

1 S.Harivignesh,
S/o.P.Sekar,
153 A, Annapuram Vadakku
Tirumanur, Valappady,
Salem 636 202 Petitioner

Vs.

- 1 Government of Tamil Nadu,
Rep. by its Secretary,
Higher Education Department,
Fort St. George, Chennai 9.
- 2 The Directorate of Technical Education
Rep. by its Director,
Sardar Patel Road,
Guindy, Chennai 25.
- 3 The Chairman,
Board of Examinations,
Directorate of Technical Education,
Sardar Patel Road, Guindy, Chennai 25.
- 4 The Additional Director,
Technical Education (Examination),
Sardar Patel Road, Guindy, Chennai 25.
- 5 The Secretary,
Tamil Nadu Lateral Entry Engineering Admission,
Alagappa Chettiar College of Engineering and Technology,
Karaikudi
- 6 The Muthayammal Polytechnic Institution,
Rep. by its Principal,
Kakaveri, Rasipuram,
Namakkal District 637408. ... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus Directing the respondents 1 to 4 herein to conduct arrear examination for Diploma Courses on or before 15.11.2020 and to publish the results on or before 21.11.2020 and consequently to direct respondent 5 to conduct supplementary counseling for Lateral Entry Direct Second Year B.E/ B.Tech Admission on or before 25.11.2020 to enable the petitioner and other similarly placed students to apply under Lateral Entry Direct Second Year Admission 2020 and get admission for B.E/ B.Tech Course 2020.

For Petitioner : Mr.K.Doraisami
Senior counsel
for Mr.Muthumani Doraisami
For Respondents : Mr.E.Manokaran
Special Government Pleader

ORDER

On consent given by either side, the main Writ Petition is taken up for final hearing.

2.This Writ Petition has been filed for the issue of Writ of Mandamus directing the Respondents 1 to 4 to conduct the arrears examination for the Diploma Courses and to publish the results, in order to enable the Petitioner to apply under lateral entry direct second year admission and get admission for B.E.,/B.Tech., course.

3.When the matter came up for admission, the decision taken by the Government to declare as pass even those students, who had arrears papers, became a subject matter of challenge before the Division Bench of this Court. Pursuant to the orders passed by the Division Bench, it has been decided to conduct the arrears examinations for those candidates, who had failed in any of the subjects.

4.The learned Special Government Pleader brought to the notice of this Court the Government Order passed in GO.Ms.No.165, dated 17.11.2020, which provides for an opportunity to those failed students to write the arrears examination. The learned Special Government Pleader also brought to the notice of this Court the written instructions received from the fourth respondent. For proper appreciation, the instructions received from the Fourth respondent is extracted hereunder:

"The Directorate of Technical Education is going to conduct Diploma examination from 15.12.2020 to 31.12.2020 eligible students. The following category of students can write the examinations

1.Students who did not pay examination fees due to Covid - 19 pandemic.

2.Those students who paid April 2020 Exam fees and did not write the supplementary examinations.

3.Failed and absent students in April 2020 Examination conducted earlier.

The petitioner can appear in the above examination."

5.It is clear from the above that the Directorate of Technical Education is going to conduct Diploma Examinations from 15.12.2020 to 31.12.2020 for all those candidates falling under the three categories mentioned herein above. The learned senior counsel appearing on behalf of the petitioner submitted that the petitioner had already paid the examination fees and he is also entitled to take the examination, since he falls under the aforesaid category.

6.Taking into consideration the facts and circumstances and also the specific stand taken by the respondents, there shall be a direction to the fourth respondent to permit the petitioner to write the examination, if he falls within any of the three categories enumerated supra. Except giving this clarity, no further orders can be passed in this Writ Petition.

7.This Writ Petition is disposed of, accordingly. Consequently, connected Miscellaneous Petitions are closed. No costs.

-sd-

Assistant Registrar

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सत्यमेव जयते

Sub Assistant Registrar

To

1 The Secretary,
Government of Tamil Nadu,
Higher Education Department,
Fort St. George, Chennai 9.

2 The Director,
Directorate of Technical Education
Sardar Patel Road,
Guindy, Chennai 25.

3 The Chairman,
Board of Examinations,
Directorate of Technical Education,
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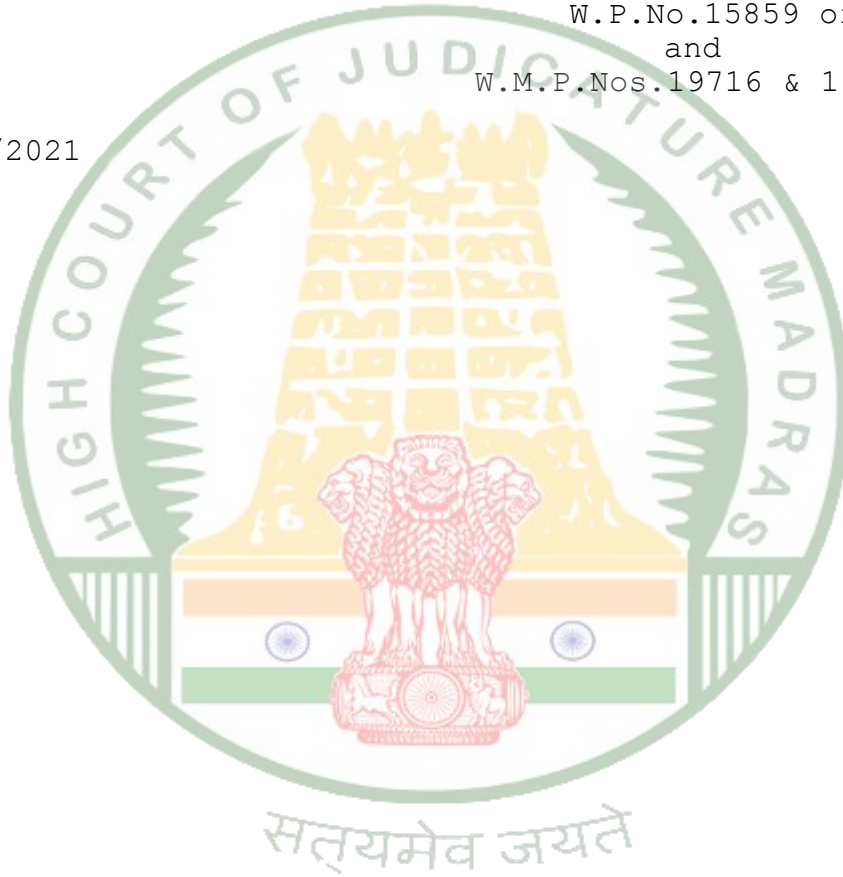
+ 1 cc TO MR.MUTHUMANI DORAISAMY, Advocate SR.NO.40666

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