



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)No.16748 of 2020

S.Guhan

... Petitioner

-vs-

- 1.The Director,
Director of Technical Education,
53, Sardar Patel Road,
Guindy, Chennai - 620 025.
- 2.The Secretary/Co-ordinator,
Lateral Entry Direct Second Year B.E./B.Tech Admission 2020,
Alagappa Chettiar Government College of
Engineering and Technology,
Karaikudi - 630 003.
- 3.The Secretary to Government,
Higher Education Department,
Namakkal Kavignar Maligai,
6th Floor, Fort St. George,
Chennai - 600 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the rejection order issued by the second respondent "Check your eligibility", quash the same and consequently, direct the respondents to conduct the supplementary Counselling for the petitioner under Lateral Entry Direct Second Year B.E./B.Tech. Admission for the year 2020-2021 within a time to be stipulated by this Court.

For Petitioner : Mr.Elephant G. Rajendran

For Respondents : Mr.Sricharan Rangarajan
Additional Advocate General
assisted by Ms.Lakshmi Prasanna
Government Advocate

ORDER

This writ petition is filed, seeking issuance of a Writ of Certiorarified Mandamus challenging the rejection order of the second respondent and for consequential direction to the respondents to conduct the supplementary Counselling for the petitioner under Lateral Entry Direct Second Year B.E./B.Tech. Admission for the year



2020-2021 within a time to be stipulated by this Court.

2. Heard the learned Counsel appearing for the petitioner and Mr. Sricharan Rangarajan, learned Additional Advocate General assisted by Ms. Lakshmi Prasanna, learned Government Advocate, appearing for the respondents.

3. The learned Counsel appearing for the petitioner would submit that the petitioner has completed three years Diploma Course during 2017-2020 in MIET Polytechnic College, Trichy. The petitioner has paid examination fees in April, 2020 for his VI semester examination along with four arrear subjects and in view of the COVID-19 Pandemic, the third respondent issued Government Orders cancelling the arrear examinations to all students except final semester and exempting from writing arrear examination and also made them all pass by framing the methodology for awarding of marks to arrear examinations in lower semesters. The above benefits are applicable only for those who are having arrears in lower semesters and registered for the March, 2020 diploma examinations. Therefore, in view of the above Government Order, the petitioner is eligible to get admission directly under Lateral Entry in the second year of Four years B.E/B.Tech degree courses in any affiliated colleges of Anna University through the Single Window Counselling conducted by the first and second respondents. Though the petitioner has applied for getting admission directly under Lateral Entry in the second year of Four years B.E/B.Tech degree courses, his application was rejected by the second respondent by showing the reason as "Check Your Eligibility". The petitioner would further submit that the second respondent has rejected the applications of those who are having arrears in the lower semester examination in all over Tamil Nadu which is contrary to the decision of the State Government issued vide Government Orders in G.O.(T) No.111, Higher Education (K2) Department, dated 27.07.2020 and G.O.(T) No.125, Higher Education (K2) Department, dated 26.08.2020. Aggrieved by the rejection of the petitioner's application, the petitioner has come forward with the present Writ Petition.

4. When the matter is taken up for hearing, Mr. Sricharan Rangarajan, learned Additional Advocate General, appearing for the respondents submitted written instructions given by the Assistant Director of Technical Education (Exams) which is extracted hereunder:

"The Directorate of Technical Education is going to conduct Diploma Examination from 15.12.2020 to 31.12.2020 for the 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

the supplementary examinations.



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

Government issued an order (G.O.Ms.No.165, dated 17.11.2020) to give a special grace chance for all diploma students (for all schemes) who is having arrear to write the above examination.

The petitioner can appear in the above examination."

Since the petitioner comes within one of the above categories, he will be permitted to take up his examinations that is scheduled to be held between 15.12.2020 and 31.12.2020. In case, the examinations are not going to be conducted and postponed, the petitioner will be permitted to take up his arrear examinations as and when it is conducted.

5. The contention of the petitioner that once the examination is over, the student must be called for the counselling, cannot be gone into by this Court at this stage as this Court is of the view that the prayer is too premature and nobody knows as to when the examinations are going to be conducted, more so the COVID-19 situation is still existing and recently large number of students in I.I.T, Madras have been infected by Corona Virus. Therefore, the prayer sought for by the petitioner as such cannot be granted. However, this Court directs the first respondent to permit the petitioner to take up his examinations that is scheduled to be held between 15.12.2020 and 31.12.2020. In case, the examinations are not going to be conducted or postponed, the petitioner shall be permitted to take up his arrear examinations as and when it is conducted.

6. With the above directions, the writ petition, is disposed of. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

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+1 CC to M/s.GP (SR-26264[F] dated 18/12/2020)

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