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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.29621 of 2012
and
M.P.No.1 of 2015
&
W.M.P.No.16925 of 2020

A.Sheik Mohamed

... Petitioner

Vs.

1. Anna University of Technology, Chennai
Represented by its Registrar,
Sardar Patel Road,
Guindy, Chennai.
2. Anna University of Technology, Trichy
Represented by its Registrar,
Trichy-Pudukkottai-Ramnad Road,
Mandaiyur,
Tiruchirapalli.
3. Anna University of Technology, Madurai
Represented by its Registrar,
Alagar Koil Road,
Madurai - 625 002.
4. Anna University of Technology, Coimbatore
Represented by its Registrar,
GCT Campus, Thadagam Road,
Coimbatore - 641 013.
5. University of Madras
Represented by its Registrar,
University Buildings,
Chepauk,
Chennai - 600 005.



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6. Madurai Kamaraj University
Represented by its Registrar,
Palkalai Nagar,
Madurai - 625 021.

7. Bharathidasan University
Represented by its Registrar,
Palkalaiperur,
Tiruchirappalli - 620 024.

8. Bharathiyar University
Represented by its Registrar,
Coimbatore - 641 046.

9. Manonmaniam Sundaranar University
Represented by its Registrar,
Tirunelveli - 627 012.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to issue appropriate directions to all the institutions under the control and Supervision of the respective Universities to utilize the services of the petitioner who is empaneled under clause I-A in the approved panel by the Board of Engineers under Rule 11/Rule 11(A)/11(B) of the Tamil Nadu Public Building (Licensing) Rules 1966 for all purposes, especially with regard to issue of Building Structural Certificate and all other recognized activities of the approved Engineers and not to impose any restriction to the Institutions to obtain Certificates only from the Public Works Department Officials, and to withdraw any such circular issued to the said effect.

For Petitioner	:	Mr.M.Ravi
For R1 to R4	:	Mr.M.Vijayakumar
For R5 & R8	:	Mr.L.P.Shanmuga Sundaram
For R6	:	M/s.H.Mary Sowmi Rexi
For R7 & R9	:	Mr.V.Govardhanan For M/s.Row & Reddy



O R D E R
(Through Video Conferencing)

WEB COPY The relief sought for in the present writ petition is to direct the respondents to issue appropriate directions to all the institutions under the control and supervision of the respective Universities to utilize the services of the petitioner, who is empaneled under clause I-A in the approved panel by the Board of Engineers under Rule 11/Rule 11(A)/11(B) of the Tamil Nadu Public Building (Licensing) Rules, 1966, for all purposes, especially with regard to issue of Building Structural Certificate and all other recognized activities of the approved Engineers and not to impose any restriction to the Institutions to obtain Certificates only from the Public Works Department Officials, and to withdraw any such circular issued to the said effect.

2.The relief sought for in the present writ petition is absurd and cannot be considered by this Court. Utilising the services of the petitioner is to be decided by the competent authorities and not by the High Court. The High Court is not expected to give any such general direction in the nature of recommendation. Even a direction to consider the representation would amount to recommendation, which can never be resorted to, unless the person approaching the Court is able to establish a right and such a right is infringed by the authorities. In the absence of establishing any such right, no relief can be granted.

3.The contention of the petitioner is that he is an expert in the Civil Engineering field and he is empaneled under Clause I-A in the Approved Panel by the Board of Engineers under Tamil Nadu Public Building (Licensing) Rules, 1966.

4.Mere registration or approval would not confer him a right to claim for utilisation of services by the Universities or by any other Institution. Utilisation of services is a decision to be taken administratively by the authorities competent, considering various factors. The High Court cannot interfere in such administrative sphere and it is the prerogative of the authorities to exercise the power in the manner known to law. This being the principle, any such direction, directing the respondents even to consider the representation, would amount to a recommendation, and the High Court is not expected to issue such a direction in a writ petition, where, the petitioner is not able to establish any right and infringement of such right. However, this Court wishes the petitioner for his bright future in all his attempts.



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Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar,
Anna University of Technology, Chennai
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Chennai.
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Manonmaniam Sundaranar University
Tirunelveli - 627 012.

+1cc to M/s.M.Vijayakumar, Advocate, S.R.No.51639

+1cc to M/s.Issac Chambers P.Godson Swaminath, Advocate,
S.R.No.51655

+1cc to M/s.Row & Reddy, Advocate, S.R.No.52082

W.P.No.29621 of 2012

KSM(CO)
SU(26/10/2021)