



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2021

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THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.8456 of 2021

and

W.M.P (MD) .Nos.6369, 6370 and 14996 of 2021

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The Tamil Nadu Commerce Institutes' Association
Represented by its Treasurer,
16/20A, NandhiKovil Street,
Trichy - 620 002.

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat,
Fort St.George,Chennai - 09.

2.The Chairman,
Board of Examinations,
Directorate of Technical Education,
Chennai - 600 025.

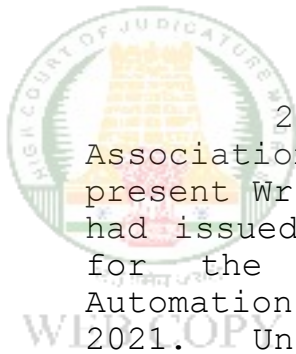
... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records comprised in Notification No.103054/Q3/2020 titled "Certificate Course in Computer on Office Automation, April 2021" dated 29.03.2021 issued by the second respondent and quash the same as being arbitrary and illegal and consequently direct the respondents to consider the petitioner's representation dated 17.04.2021 and issue a fresh notification for certificate course in computer office automation.

For Petitioner : Mr.Raguvaran Gopalan
For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader.

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with a notification in Notification No.103054/Q3/2020 titled "Certificate Course in Computer on Office Automation, April 2021" dated 29.03.2021 issued by the second respondent / The Chairman, Board of Examinations, Directorate of Technical Education, Chennai and to quash the same. The petitioner also seeks consideration of their representation, dated 17.04.2021. They also seek that a fresh notification should be issued by the second respondent.



2. The petitioner is the Tamil Nadu Commerce Institutes' Association, Trichy. In the affidavit filed in support of the present Writ Petition, it had been stated that the second respondent had issued the notification, now called in question, on 29.03.2021 for the Course "Certificate Course in Computer on Office Automation". The examination was scheduled to be held in April 2021. Unfortunately, owing to the pendency of the present Writ Petition, the examination had not been conducted.

3. It is only appropriate that the Court, in some manner or the other, opens the door for the examinations to be conducted keeping in view the fact as represented by Mr.S.Shanmugavel, learned Additional Government Pleader that nearly about four lakh candidates across the State could not qualify themselves in this particular course in Computer on Office Automation. The Court expresses its regret for the same.

4. Mr.Raguvaran Gopalan, learned counsel for the petitioner pointed out that in the impugned notification, educational qualification and the training qualification had been given as follows:

"A. EDUCATIONAL QUALIFICATION:

I. A pass in SSLC of Tamil Nadu State or Equivalent Examination thereof.

and

A pass in Junior Grade Typewriting Examination in English / Tamil of the Department of Technical Education, Tamil Nadu or the Equivalent Examination thereof.

(or)

II. A pass in Higher Grade Typewriting English / Tamil of the Department of Technical Education, Tamil Nadu or equivalent Examination on thereof.

B. TRAINING QUALIFICATION:

I. Candidate should have undergone a minimum of 120 hours of training in a recognized Typewriting Institute or Government / Government Aided / Self-financing Polytechnic Colleges.

II. Private candidates who have qualified and undergone a minimum of 120 hours of training in a private institute may also appear for the Examination as Private Candidate.



III. All the candidates including Private Candidates should maintain a record note-book for the Practical Classes attended by them as per the syllabus and submit the same at the time of their Practical Examination."

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5. Learned counsel has no quarrel with these two stipulation either with the educational qualification or with the training qualification. But, learned counsel insists examination of the nature of authentication that the candidate had actually completed 120 hours of training in a recognised typewriting institute. It is imperative that a declaration must also be given by the candidate that he/she had qualified in a particular institute. If he/she names a particular institute or say that he/she had actually undergone such training in a recognised typewriting institute, then such declaration by the candidate, should also be counter-signed by a responsible officer of the named typewriting institute.

6. I can see the reasoning behind the representation made by Mr.Raguvaran Gopalan. This declaration would protect the candidate and give a sense of responsibility to declare that he/she had actually undergone 120 hours of training. I therefore, hope that the declaration, in all means, would be true. It would clarify that the candidate is actually qualified and has acquired the skills and expertise in Certificate Course in Computer on Office Automation. It would also indicate that he/she had undergone a course for the same in a recognised typewriting institute counter-signed by a responsible officer.

7. It would safeguard the reputation of that particular institute as, only if the candidate had actually undergone a training with the institute, the institute would come forward to counter-sign the said declaration. It would also prevent the candidate from naming a particular institute without actually undergoing the said training. It would also simultaneously protect the institute and its name or reputation from being misused by a candidate without actually undergoing a training in that particular institute. Therefore, it works both ways. The person, who writes the exam is actually fully qualified and the certificate which is issued has been actually given to a deserving candidate. It would also recognise the efforts made by the particular institute in imparting such skills to the candidate. Therefore, it is only a win-win situation and there could be no two opinions about the same. Certainly, the second respondent can have no quarrel in such declaration given by the candidate and the necessity of it being counter-signed by the named institute which has been given in the declaration of the candidate.



8. It is the grievance of the learned counsel for the petitioner that the declaration form, a copy of which has been enclosed in the typed-set, is not appended to the application form in the impugned notification. By adding that particular form, I find no strain would be caused to the respondents herein. It is only to their advantage that they certify a candidate, who is fully qualified in Computer on Office Automation. Therefore, I would not interfere with the notification, in its entirety, but rather issue a Mandamus to the second respondent to include the declaration form which had been appended to the application form in the earlier years in the notification, for the year 2021 also. This would invite all the candidates to get necessary certificate and apply and write the exam.

9. In the counter affidavit filed by the respondents, it had been stated that there are several unrecognised institutes, which give such declarations. If there are unrecognised institutes, the respondents are at liberty to proceed against such institutes. But they cannot, remove a particular application or the declaration by the candidate which has to be counter-signed by the institute. If a particular institute is not recognised, then the respondents have every right to proceed as against that particular institute in manner known to law. That cannot be a reason to actually cut away a particular stipulation in an application form.

10. A copy of the said declaration form which has to be given by a candidate and which has to be certified by the institute is appended to this order.



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Application No. : AU-00004

BOARD OF EXAMINATIONS, DIRECTORATE OF TECHNICAL EDUCATION, CHENNAI 600 025

APPLICATION FORM OF GOVERNMENT TECHNICAL EXAMINATIONS FOR THE CANDIDATES APPEARING FOR CERTIFICATE COURSE IN 'COMPUTER OR OFFICE AUTOMATION' - DECEMBER 2019

Name of the Candidate Father / Husband Name Date of Birth Gender Permanent Address Address for communication Mobile Number Qualification Copy of SSLC Mark Sheet enclosed Examination Fee & Application Fee Demand Draft No. DD Date Bank Name Centre opted Recognition no. of Commerce Institute or Ins code of Polytechnic college	AKSHAYAA M MUTHURAMAN V 13/08/2000 Female NO.7/14 VALLALAR KOIL SANNATHI STREET, MAYILADUTHURAI TAMIL NADU 609001 NO.7/14 VALLALAR KOIL SANNATHI STREET, MAYILADUTHURAI TAMIL NADU 609001 94403223229 Typewriting English (Junior Grade) Yes Rs.530/- 854260 05/11/2019 PNB 6075FESHASAYEE INSTITUTE OF TECHNOLOGY, TIRUCHY 240115 240115	
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DECLARATION OF THE CANDIDATE

I hereby declare that I have filled the application in my own and the particulars furnished are all true and correct to the best of my knowledge. I have undergone 120 hours of training in the institute and I shall abide by the rules and regulations of the Board of Examination for the smooth conduct of the examination. If the particulars furnished by me are found false at a later stage or any lapse in my behaviour is found during Examination, I will accept the punishment that may be decided by the Chairman, Board of Examination, Chennai - 25.

Place
 Date: 05 Nov 2019


 Signature of the Candidate

CERTIFICATE
 (To be filled by all candidates / Commerce Institute / Polytechnic / Private)

Certified that **AKSHAYAA M** studied / studying in my Institute has completed 120 hours of training and that I have verified the eligibility and all particulars in the Application. Xerox copies of the Certificate attested by Competent Authorities / Original Nonalide Certificates issued by Competent Authority is enclosed.

Registration Number of Typewriting Institute / Code No. of the Polytechnic: 240115

Signature of the Principal/Proprietor with Office Seal

11. I hold that no suffering would come to the respondents by including this particular form in their application. The respondents will always have every liberty to proceed against unrecognised institutes, in manner known to law, *de hors* whatever has been stated in the present order. I would still hold that the declaration would only instill a sense of responsibility on the candidate and on the official, who actually signs on behalf of the typewriting institute.

12. In view of the above observations, this Writ Petition is allowed to the extent of issuing a Mandamus directing the second respondent to include the aforementioned declaration form also in the application form and re-issue the notification at the earliest.



There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Principal Secretary to the Government,
Higher Education Department,
Government of Tamil Nadu,
Secretariat,
Fort St.George,
Chennai - 09.

2.The Chairman,
Board of Examinations,
Directorate of Technical Education,
Chennai - 600 025.

+1 CC to M/s.K.PRABHAKAR, Advocate (SR-40378[F] dated 23/12/2021)

+1 CC to M/s.SPL GP (SR-40451[F] dated 27/12/2021)

W.P. (MD) .No.8456 of 2021
23.12.2021

SK(CO)

GC(05.01.2022) 6P 5C