



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 28.07.2021
DELIVERED ON : 01.12.2021

CORAM :

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)Nos.16329 and 16361 of 2020

K.Kaleeswari ... Petitioner in W.P.16329/2020
A.Bala Thulasi ... Petitioner in W.P.16361/2020

vs.

1)The Director of Technical Education,
Directorate of Technical Education,
Guindy, Chennai-600 025.

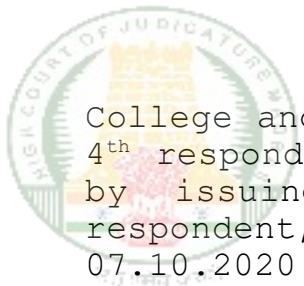
2)The Registrar,
Anna University,
Chennai-25.
Email Id : dsa@annauniv.edu / dsaannauniv@gmail.com

3)The Principal,
Renganayagi Varatharaj College of Engineering,
Salvarpatti,
(Counselling Code : 4676)
Sivakasi - Sattur Main Road, Sivakasi,
Virudhunagar District-626 128.
Website : www.rvce.ac.in
Email Id : principal@rvce.ac.in
rvce222@gmail.com

4)The Principal,
AAA College of Engineering & Technology,
Kamarajar Educational Road,
Amathur Village,
(Counselling Code : 4680)
Sivakasi, Virudhunagar District-626 005.
Website : www.aaacet.ac.in
Email Id : principal@aaacet.ac.in

... Respondents in both WPs

W.P.16329/20 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 and 3 to consider the petitioner's Transfer Application to the 1st respondent, to transfer the petitioner's admission from the 3rd respondent College to the 4th respondent



College and to admit her (Enrolment Number is 952519104003) in the 4th respondent from 3rd semester for the Academic Year (2020-2021), by issuing 'No Objection Certificate' on the end of 3rd respondent, on the basis of the petitioner's representation dated 07.10.2020.

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W.P.16361/20 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents 1 and 3 to consider the petitioner's Transfer Application to the 1st respondent, to transfer the petitioner's admission from the 3rd respondent College to the 4th respondent College and to admit the petitioner (Enrolment Number is 952519114001) in the 4th respondent from 3rd semester for the Academic Year (2020-2021), by issuing 'No Objection Certificate' on the end of 3rd respondent, on the basis of the petitioner's representation dated 07.10.2020.

Appearance in both cases

For petitioner	: Mr.P.M.Vishnuvarthanan
For R1	: Mr.P.Thilak Kumar, Government Advocate
For R2	: Mr.K.Govindarajan
For R3	: Mr.P.Venkatesan
For R4	: Mr.Raja Jeya Chandra Paul

COMMON ORDER

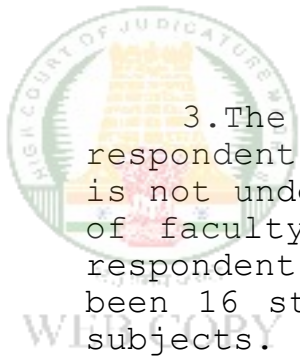
These writ petitions have been filed by the petitioners/students, seeking transfer of their candidature from the 3rd respondent college to the 4th respondent college.

2.The brief facts of the cases are as under:-

2.1.The petitioners are students of the 3rd respondent college having joined in 2019 batch. The petitioners applied for transfer after the completion of first year namely, the 2nd semester. They submitted the transfer applications on 18.8.2020 along with no objection certificate from the 4th respondent.

2.2.The 3rd respondent college did not respond to the transfer applications initially, and at the later point of time, the 3rd respondent college wanted the petitioners to pay a sum of Rs.10,000/- and Rs.15,000/- respectively, as the arrears of course fee for the second year (3rd and 4th semester). According to the petitioners, the demand of Rs.10,000/- and Rs.15,000/- respectively, is not legally valid and it is especially so at the time of Covid-19 pandemic.

2.3.The claim of the petitioners for transfer is opposed by the 3rd respondent on the ground that the petitioners had to pay arrears of fee of Rs.10,000/- and Rs.15,000/- respectively, that has compelled the petitioners to file these writ petitions, seeking the remedy of direction for transfer.



3.The fact that the petitioners are students of the 3rd respondent college and that they filed applications for transfer, is not under dispute. The reason for transfer is stated to be lack of faculty and lack of infrastructure in the college of the 3rd respondent. It is specifically pointed out, over all there had been 16 students to the entire batch consisting of 5 engineering subjects. It appears 4 students have already left the college and remaining strength is only 12 students.

4.It is relevant to point out that the 1st respondent as educational authority. has sought for action taken report from the college of the 3rd respondent. The 3rd respondent has filed a vague counter, wherein it is stated that the petitioners are liable to pay fees for the 2nd year namely, 3rd and 4th semester. No other reason has been stated by the 3rd respondent. The 3rd respondent has nowhere quoted the rules which would permit collection of fees even if the transfer request is to be considered. It is the case of the petitioners that the request for transfer was made at the earliest point of time that is, on 18.08.2020 and therefore, the contention that the petitioners applied for transfer at the fag end, is not acceptable. The petitioners would contend that the 3rd respondent has sub-let the college premises in favour of M/s.CEOA CBSE Matriculation School and when it is proved that there is total lack of infrastructure and faculty, the 3rd respondent should have considered the request for transfer.

5.Yet another contention raised by the 3rd respondent during the course of argument is that there was lack of attendance for the petitioners in the second year. According to the petitioners, there is ample proof to show that they attended the classes through Google-Meet and they were allowed to participate till the month of May 2021 and only thereafter, the 3rd respondent did not allow them to participate and therefore, the question of lack of attendance does not arise. Additional typedset has been filed to show that the petitioners attended classes through Google-Meet.

6.Nowhere it is pointed out that irrespective of the transfer, the petitioners are liable to pay fees for the college for the 2nd and 3rd year. Even though the petitioners have sought for transfer at the completion of the 1st year, despite the 1st respondent seeking action taken report, the 3rd respondent has chosen to sleep over the matter. The 3rd respondent should have considered the request of the petitioners, taking into account the academic interest of the petitioners. Inasmuch as the denial is evasive and not specific and considering the invalid and illogical contentions raised, it is clear that the petitioners' request for transfer should have been considered positively by 3rd respondent. Driving the petitioners to file these writ petitions wasting the time, energy and money is quite unfortunate and it should have been avoided.



7. With this observation both the writ petitions stand allowed.
No costs.

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Sd/-

Assistant Registrar (CS-I)

/ /2021

Sub Assistant Registrar (CS)

To

1) The Director of Technical Education,
Directorate of Technical Education,
Guindy, Chennai-600 025.

2) The Registrar,
Anna University,
Chennai-25.

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-37113[F] dated
02/12/2021)

+2 CC to M/s.PM.VISHNUVARTHANAN, Advocate (SR-36959 & 36960[F]
dated 02/12/2021)

Pre-delivery common order made in
W.P(MD) Nos.16329 and 16361 of 2020
Dated : 01.12.2021

USK (23.12.2021) 4P 6C