



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.04.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, Chief Justice
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Appeal No.804 of 2022

Rev.Dr.Issac Aiyya,
Bishop and Moderator,
Correspondent,
V.S.Issac Teacher Training Institute,
126, Attupakkam Village,
Manjambadi Railway Gate,
Arakkonam,
Ranipet District.

.. Appellant

Vs.

1. The Director,
State Council for Educational Research,
Institution and Training,
Tamil Nadu, College Road,
Chennai-600 006.

2. The Principal,
District Institute of Education
and Training,
Tamil Nadu,
Ranipet, Ranipet District.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent,
against the order dated 18.11.2021 passed by the learned Single
Judge in W.P.No.24060 of 2021 on the file of this Court.

Prayer in W.P.No.24060 of 2021: Petition filed under Article 226
of the Constitution of India to issue a Writ of Mandamus to
direct the respondents to consider the petitioner's
representation dated 24.09.2021 for approval of the admission of
six students namely

1. Charumathi. M
 2. Gracy. C
 3. Narmadha. M
 4. Prithika. D
 5. Paranthaman. D and
 6. Jancy. S
- in Deled Course



For appellant : Mr.S.Pugaleanthi

For respondents : Mr.P.Muthukumar, State Govt. Pleader

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JUDGMENT

(The Judgment of the Court was delivered by The Honourable Chief Justice)

The Writ Appeal challenges the order dated 18.11.2021 passed in the Writ Petition in W.P.No.24060 of 2021, preferred by the appellant herein. The said Writ Petition was dismissed with costs of Rs.60,000/-, taking into account the conduct of the appellant/writ petitioner.

2. The learned Single Judge has found that the Writ Petition has been filed by the appellant with little details regarding the six students mentioned therein. It is without disclosing about the earlier Writ Petition in W.P.No.19999 of 2021, and dismissal therein on 21.09.2021. Thus, the writ petitioner was found guilty of suppression of material fact.

3. Taking into consideration the over-all conduct of the appellant/writ petitioner, the learned Single Judge has found it to be serious, as it was resulting in spoiling the career of six students. The continuance of the six students without the approval of the course they pursued, is detrimental to the students themselves, and may result in waste of valuable time. Thus, the Writ Petitioner was burdened with costs.

4. Learned counsel for the appellant/writ petitioner submitted that the earlier Writ Petition in W.P.No.19999 of 2021 was for different cause and prayer and hence, those facts in reference to it, were not disclosed and otherwise, the Writ Petition in hand, in W.P.No.24060 of 2021 was filed at the stage when a representation was pending for approval of the candidature of the six students, and therefore, the Writ Petition in hand was filed to seek a direction to the respondents to consider and decide the representation, dated 24.09.2021 made by the appellant/writ petitioner, for approval of the admission of six students mentioned in Writ Petition. The Writ Petition in hand, was however dismissed by the learned Single Judge, without accepting the prayer made by the appellant/writ petitioner.

5. In fact, the supplementary examinations are yet to take place where the six students may be allowed to participate in the examinations. Therefore, the present Writ Appeal is filed to seek direction in the matter.



6. We have considered the submissions made by the learned counsel on either side and perused the materials available on record.

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7. Learned counsel for the appellant, while filing the Writ Appeal, did not give details of W.P.No.19999 of 2021 by enclosing the affidavit filed in support thereof, though the appellant had enclosed merely the web-copy of the order made therein in the typed set of papers filed along with the present Writ Appeal. It is more so, when the Writ Petition in hand was dismissed on the ground of dismissal of the earlier Writ Petition in W.P.No.19999 of 2021, on suppression of facts thereupon. It is thus obligatory on the part of the appellant/writ petitioner to disclose all the relevant facts with regard to W.P.No.19999 of 2021 at least while filing the present Writ Appeal and he has failed to do so. The pleadings therein, in W.P.No.19999 of 2021, were also not enclosed while filing the present Writ Appeal, though it is admitted that it was also pertaining to the same six students. If that is so, we do not find any error in the order passed by the learned Single Judge while dismissing the Writ Petition on hand, while the earlier Writ Petition in W.P.No.19999 of 2021, on the same issue, was dismissed by the Court on 21.09.2021. The writ appellant has failed to furnish the pleading of the earlier Writ Petition and even the prayer therein to find whether it was for different cause of action.

8. The learned Single Judge has rightly shown concern about the career of six students, which is going to affect the career of the students studying in the appellant/writ petitioner's institution, and who are permitted to continue their study without authority and if ultimately, the same is not allowed by the respondents, it would result in waste of the period in undergoing the course.

9. Therefore, the learned Single Judge has rightly dismissed the Writ Petition on hand, with costs of Rs.10,000/- for each of six students.

10. We do not find any error in the impugned order passed by the learned Single Judge, so as to cause any interference by us. The Writ Appeal fails and is dismissed. There shall be no order as to costs in the present appeal.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar



cs/grs

To

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1. The Director,
State Council for Educational Research,
Institution and Training,
Tamil Nadu, College Road, Chennai-600 006.
2. The Principal,
District Institute of Education
and Training, Tamil Nadu, Ranipet, Ranipet District.

+1cc to Mr.S.Pughaleuthi, Advocate, S.R.No.22563

Writ Appeal No.804 of 2022

JP-II (CO)
SB(20/04/2022)