

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14260 of 2020
and W.M.P.No.17733 of 2020

P.M.Mohammed Fahim

... Petitioner

Vs.

1.The Government of Tamil Nadu
rep.by its Principal Secretary,
Department of Higher Education,
Fort St.George, Chennai 600 009.

2.The Commissioner,
Directorate of Technical Education (DoTE),
53, Sardar Patel Road,
Guindy, Chennai 600025.

3.Anna University,
rep.by its Registrar,
Guindy, Chennai 600025.

4.The Director,
Centre for Student Affairs,
Anna University,
Guindy, Chennai 600025.

5.Sri Ramakrishna Institute of Technology,
(An Autonomous Institution)
rep.by its Principal,
Perur Chettipalayam,
Pachapalayam, Coimbatore 641010.

6.Dhaanish Ahmed Institute of Technology,
rep.by its Principal
Veerappanur, Pitchanur (P.O)
Coimbatore 641 105.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Respondents 1 and 2 to pass orders on the Transfer application dated 19/20.6.2018 filled by fifth and sixth Respondents for the petitioners transfer from the fifth Respondent Institute to the sixth Respondent Institute and permit the petitioner to continue

his B.E.CSE Course with the sixth Respondent for the seventh semester for the academic year 2020-21.

For Petitioner : Mr.Duraikkan S.Phillip

For Respondents : Mr.C.Jayaprakash, Government Advocate
for R1 and R2

Mr.Vijayakumar, Standing counsel for
R3 and R4

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the Respondents 1 and 2 to pass orders on the Transfer application dated 19/20.6.2018 filled by fifth and sixth Respondents for the petitioners transfer from the fifth Respondent Institute to the sixth Respondent Institute and permit the petitioner to continue his B.E.CSE Course with the sixth Respondent for the seventh semester for the academic year 2020-21.

2. The case of the petitioner is that he belongs to a Muslim Backward Community and passed her HSC Examination of Tamil Nadu in the year May 2017 and applied for Bachelor of Engineering Course for the Branch Computer Science and Engineering under BC(Muslime) community with first graduate concession and joined the fifth respondent Institute of Technology in B.E.CS by paying the fees. Since he was not able to do her best in the fifth respondent, and hence he was compelled to apply for transfer from the 5th respondent Institute to the sixth respondent Institute and he submitted application for transfer to the Director of Technical Education, Government of Tamil Nadu / 2nd respondent herein. Thereafter, the petitioner was duly relieved by the 5th respondent to join the 6th respondent in the III Semester and paid the fees also and he appeared for the III Semester examination, however his result was withheld. When it was enquired, the 6th respondent has not given any proper reply and later it came to the knowledge of the petitioner that the 2nd respondent had not sent the order of approval for the transfer. Hence the petitioner wrote letter to the Director of Centre for Student Affairs, Anna University / 4th respondent on 02.05.2019, in reply, the 4th respondent vide letter dated 10.05.2019 informed that it is the second respondent who is authority for approving the transfer and thereby referred the case to the 2nd respondent. However the 6th respondent informed the petitioner that as he had arrears in I and II Semester examinations, he was not eligible for transfer to the 6th respondent for continuing in the III Semester examination and further he has been informed by the 6th respondent that the 2nd

respondent is not approving the transfer due to arrears. Aggrieved by the same, the present petition is filed.

3. The learned counsel appearing for the petitioner submitted that it would suffice if this Court issues direction to the 2nd respondent to consider the petitioner's representation 02.05.2019, based on the letter of the 4th respondent dated 10.05.2019, within a reasonable time as fixed by this Court.

4. Mr.C.Jayaprakash, learned Government Advocate appearing for the respondents 1 and 2 submitted that as per the Government Order in G.O.(ms).NO.434, Higher Education (J2) Department, dated 23.10.2008, guidelines were issued for transfers. While being so, the transfer application for petitioner was received by the office and on scrutiny of the application, the petitioner cannot be accorded transfer as sought for by him, as the 5th respondent College is an Autonomous College and further the petitioner kept in arrears in 2 semesters and therefore DOTE has rejected the transfer application through online under the remarks of 'Not Eligible (1st and 2nd Semester Fail) as per set of rules and therefore, the prayer sought in the Writ Petition cannot be considered and hence prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions and also perused the material placed before it.

6. Though very many grounds have been raised by the learned counsel on either side, In view of the limited request sought for by the petitioner, this Court without expressing any opinion on the merits of the case directs the 2nd respondent to consider the petitioner's representation dated 02.05.2019 based on the letter of the 4th respondent dated 10.05.2019 on merits and in accordance with law and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary,
The Government of Tamil Nadu
Department of Higher Education,
Fort St.George, Chennai 600 009.

2.The Commissioner,
Directorate of Technical Education (DoTE),
53, Sardar Patel Road,
Guindy, Chennai 600025.

3.The Registrar,
Anna University,
Guindy, Chennai 600025.

4.The Director,
Centre for Student Affairs,
Anna University,
Guindy, Chennai 600025.

+2cc to Mr.Duraikkan S.Phillip, Advocate, S.R.No.745
+1cc to Mr.Govind Chandrasekhar, Advocate, S.R.No.1237
+1cc to the Government Pleader, S.R.No.1107

W.P.No.14260 of 2020

PCH(CO)
SB(10/02/2022)