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W.P. No.17488 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.17488 of 2022

Sumichandra. P

...Petitioner

VS.

1.Commissioner,
Department of Technical Education,
Anna University,
Guindy,
Chennai – 600 032.

2. The Principal,
Megan's Ooty School of Architecture,
Perar,
Nilgiris,
Ooty – 643 002.

3. Hindusthan School of Architecture,
Pollachi Road,
Coimbatore – 641 032.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st and 2nd respondent herein to take appropriate action on petitioner transfer request made vide petitioner representation letter dated 8th April 2022 and consequentially allow the Petitioner herein to be transferred to 3rd respondent college and to pursue the remaining course.

For petitioner : Mr.S. Nirmal Aditya

For respondents : Mr.T. Seenivasan

Special Government Pleader for R1



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ORDER

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By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. Mr.T. Seenivasan, learned Special Government Pleader accepts notice for the 1st respondent.

3. This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to consider the petitioner's representation requesting for transfer from the second respondent institution to the third respondent institution. The petitioner due to health reasons has sought for transfer from the second respondent institution, where she is presently studying to the third respondent institution. According to the petitioner, the third respondent has also issued No objection Certificate in favour of the petitioner for accepting the petitioner as their student. The petitioner is doing B.Arch course presently in the second respondent institution.

4. Heard Mr.S. Nirmal Aditya, learned counsel for the petitioner and Mr.T. Seenivasan, learned Special Government Pleader for the 1st respondent.



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5. The learned Special Government Pleader has placed before this Court the instructions sent to all the Principals of all Engineering Colleges by the Commissioner of Technical Education on 26.06.2022. According to the learned Special Government Pleader only in the 3rd semester any student can seek for transfer. Since the representation earlier given by the petitioner was not given during the 3rd semester, the said representation was not considered earlier as according to him the petitioner was doing the first year, when the representation was given. He would submit that the web portal of the first respondent is now open and therefore, the petitioner can give a fresh representation seeking for transfer from the second respondent institution to the third respondent college. The web portal is open between 27.06.2022 and 29.06.2022.

6. The learned counsel for the petitioner on instructions submits that the petitioner is willing to give a fresh representation to the first respondent seeking for transfer from the second respondent institution to the third respondent institution provided within a time frame her application is considered on merits and in accordance with law.



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7. No prejudice would be caused to the respondents, if such a direction is issued by this court.

8. For the foregoing reasons, this Court directs the petitioner to submit a fresh online application to the web portal of the first respondent seeking for transfer from the second respondent institution to the third respondent college, within a period of one week from the date of receipt of a copy of this order. On receipt of the said application, the first respondent shall pass final orders on merits and in accordance with law, within a period of two weeks thereafter.

9. With the aforesaid direction, this writ petition stands disposed of. No costs.

07.07.2022

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
vsi2

Note : Issue order copy on 11.07.2022



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ABDUL QUDDHOSE, J.

vsi2

To

1. The Commissioner,
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