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W.P. No.25069 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. No.25069 of 2022 and
W.M.P.Nos.24026 & 24027 of 2022

Tamil Nadu Typewriting Shorthand
Computer Institutes Sangam
Regn. No.18/2018), having its
Office at No.140, North Car Street,
Virudhunagar District.
Rep. By its State President
Mr.Somasankar

... Petitioner

Vs.

- 1.The Principal Secretary to Government
of Tamil Nadu
Secretary to Government,
Secretariat, Chennai – 600 009.
- 2.The Principal Secretary to
Government of Tamil Nadu
Higher Education Department
Secretariat, Chennai – 600 009.
- 3.The Commissioner of Technical Education,
Director of Technical Education,
Chennai – 600 025.
- 4.The Chairman,
Board of Examinations
Director of Technical Education,
Chennai – 600 025.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the 4th respondent relating to Notification No.111353/Q3/2022 dated 01.09.2022, to quash the same to issue consequential directions to the respondents to restore the system of conducting the Examination on “Certificate Course in “Computer on Office Automation” in June and December every year following for the past 20 years.

For Petitioner : Mr.J.Muthukumaran

For Respondents : Mr.D.Ravichandran
Special Government Pleader

ORDER

The prayer sought for herein is for a writ of certiorarified mandamus calling for the records of the 4th respondent relating to Notification No.111353/Q3/2022 dated 01.09.2022, to quash the same to issue consequential directions to the respondents to restore the system of conducting the Examination on “Certificate Course in “Computer on Office Automation” in June and December every year following for the past 20 years.

2. The petitioner is a Sangam called Tamil Nadu Typewriting Shorthand Computer Institutes Sangam. It claims that, it has been



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registered under the Tamil Nadu Societies Registration Act, 1975 with Registration No.18/2018 dated 07.02.20218. The Sangam on behalf of its members moved this writ petition challenging examination notification issued by the 3rd respondent i.e. Commissioner of Technical Education dated 01.09.2022.

3. In the said notification, the Director informed that the Directorate of Technical Education is conducting examination in Computer on Office Automation. Therefore, applications are invited for the Certificate Course in “Computer on Office Automation Examination, October 2022 (August 2022)”. Therefore, the institute candidates or private candidates have to fill the relevant data in the application form through online from 05.09.2022 and 30.09.2022 in the website.

4. The said notification is under challenge by the petitioner on the ground that, for several years the said examination was conducted twice in a year i.e. January and June.

5. According to the petitioner counsel Mr.J.Muthukumaran, as per the said G.O. the examination should be conducted only in the said



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months of January and June, instead, they now issued a new notification inviting applications to conduct the Examination in October 2022 which they called as Examination of August 2022. Therefore it is the grievance of the members of the petitioner Association that, the syllabus prescribed for such examination since has been released only shortly before the notification, therefore those who wants to participate in the examination do not have the breathing time to study the syllabus and its materials to prepare for the said examination and therefore mainly on that ground the schedule announced through the impugned notification is put under challenge.

6. Heard Mr.D.Ravichandran, learned Special Government Pleader who would submit that, first of all this writ petition is not maintainable as it is filed by an Association, therefore individual cause has not been projected before this Court and therefore this writ petition on the said ground is not maintainable.

7. He would also submit that, insofar as the schedule of the examination to be conducted is concerned, earlier the schedule as per the rules and regulations was that the examination would be conducted twice



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in a year i.e. April/May and November/December, the same wanted to be amended for variety of administrative reasons, therefore the Directorate sought for such amendment to the Government. The Government having accepted the said proposal by the Directorate has issued the Government Order in G.O.(Ms).No.190, Higher Education (B1) Department dated 16.12.2020 under which amendments have been made to the relevant rules and regulations by thus Examination shall be conducted twice a year during February and August.

8. Insofar as August 2022 examination is concerned, due to Covid-19 the examination could not be conducted in August 2022 due to variety of administrative reasons including the recently affecting Covid-19 situation of third wave, therefore decided to conduct the examination in October 2022 atleast, for which the syllabus for Certificate Course was issued by the Directorate in the 1st week of June 2022 itself.

9. Therefore the examination cannot be deferred and on that ground the petitioner cannot challenge for impugned notification under which the examination schedule has been given to conduct the examination only in October 2022.



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WEB COPY 10. I have considered the said rival submissions made by both sides and have perused the materials placed before this Court.

11. Insofar as the plea raised by the respondents counsel with regard to maintainability of the writ petition is concerned, it is submitted by the learned counsel for the petitioner that, the petitioner Association is registered as a Sangam i.e. Society under the Societies Registration Act and every year as per the bylaw, the AGM is being conducted and Form VII with regard to election of office bearers also have been submitted to the Registrar and therefore, the petitioner Sangam being a Society representing or espousing the cause or its members can very well maintain this writ petition. In this regard, this Court feels that the Registrar of Societies can verify the plea made by the petitioner counsel that the petitioner Sangam has been properly functioning for all these years from the inception in the year 2018 and if any violation is noticed, action can be taken by the Registrar of Societies, therefore at this juncture the writ petition is entertained as no adverse order has been passed by the Registrar against the petitioner Sangam. Insofar as the merits is concerned, as has been rightly pointed out by the learned



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Special Government Pleader appearing for the respondents, erstwhile system i.e. rules and regulations for conducting such examination having been subjected to modification that modification as suggested by the Directorate since has been accepted, the Government issued orders in G.O.(Ms).No.190 Higher Education (B1) Department dated 16.12.2020 which reads thus:

“ORDER:

In the letter third read above, the Director of Technical Education has requested the Government to permit him for conducting Certificate Course in Computer on Office Automation Examination in the month of February and August every year. Instead of April/May and November/ December. Hence, the Government have decided to issue the following amendment to the Government Order first read above.

AMENDMENTS

In the said Government Order, in the Rules and Regulations, for Rules and Regulation 5, the following Rule shall be substituted, namely:-

5.Scheme of Examination:

Examination shall be conducted twice a year during February and August. There shall be one paper Theory 2 hours and one paper Practical 2 hours.

(BY ORDER OF THE GOVERNOR)

APOORVA

PRINCIPAL SECRETARY TO GOVERNMENT”



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12. Therefore, the necessary amendments have already been made in the relevant regulations under which the examination schedule would be only in February and August and not in December as claimed by the petitioner.

13. Even the August examination could not be conducted for variety of reasons including Covid-19 third wave and that is the reason why under the impugned notification, the 3rd respondent has given the examination schedule for October 2022 (August 2022) Examination. Therefore, the August 2022 examination which ought to have been conducted in August 2022 now is deferred and is being conducted only now i.e. in October 2022 for which as claimed by the respondents the syllabus had been released in the 1st week of June 2022.

14. Assuming that, the syllabus could not be released in June 2022 and it has been released only recently as claimed by the petitioner, that cannot be the reason for seeking for deferral of the examination. Therefore since there has been no plausible reason projected by the petitioner side to interfere with the impugned examination schedule as per the notification dated 01.09.2022 issued by the 3rd respondent, this



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Court feels that this writ petitioner has not made out any case to interfere with the impugned notification, accordingly the Writ Petition fails hence it is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

10.10.2022

Index : Yes/No

Speaking order : Yes/No

Sgl

To

- 1.Southern Regional Committee,
National Council for Teachers Education,
Plot No.G-7, Sector 10,
Dwaraka, New Delhi – 110 075.
- 2.The Deputy Secretary (Appeal)
National Council for Teacher Education
Appellate Authority,
National Council for Teachers Education,
G-7, Sector 10, Dwaraka, New Delhi – 110 075.



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R.SURESH KUMAR, J.

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