



W.P. No.19805 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.08.2023

CORAM: JUSTICE N.SESHASAYEE

W.P. No.19805 of 2022 and
W.M.P. Nos.19108, 19109 & 19112 of 202

Sakthi Commercial College
No.36, K.S.M. Nagar
Toll Gate
Kancheepuram - 631 501
Rep. by its Proprietor
P.Vijayalakshmi w/o.Karthikeyan

... Petitioner

Vs.

1.The Director of Technical Education
Chennai - 600 025

2.The Chairman
Board of Examinations
Directorate of Technical Education
Chennai - 600 025

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India for a writ of certiorarified mandamus to call for the records of the second respondent relating to the order in Letter No.109986/T3/2022 dated 14.07.2022, to quash the same and consequently issue a direction to the respondents to approval of the petitioner institute and permit the students (as per list) and sponsored through the petitioner institute to appear for the August 2022 Government Technical Examinations in Typewriting and Shorthand both English and Tamil - Junior and Senior grades.



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W.P. No.19805 of 2022

For Petitioner : Mr.J.Muthukumaran
For Respondents : Mrs.N.Senthilselvi,
Govt. Advocate for R1 & R2

ORDER

The petitioner was running a technical institute to teach typewriting and shorthand since 1993. Its approval was cancelled vide proceedings of the second respondent dated 14.07.2022. A close reading of the said proceedings of the second respondent discloses that a certain candidate S.Sandeep Kumar, who had already passed his typewriting and shorthand in higher and lower grade, again took part in the examinations held in September 2021 and this was reported to the second respondent by a certain Ramkumar. The second respondent thereafter swung into action, held an enquiry, during which the above said Sandeep Kumar admitted to the fact that he did take part in the examinations held in September 2021, even though he had passed much earlier and following this the second respondent has cancelled the approval of the petitioner's commercial college. This is under challenge in this writ petition.

2.Learned counsel for the petitioner submitted that the commercial college was being run for close to 30 years without any bad track record of complaints and



W.P. No.19805 of 2022

that it entertained the candidate Sandeep Kumar to sit for examination, essentially because he stated to have lost all his certificates, and also stated that he did not have any option to retrieve it.

3.Learned Government Advocate appearing for the respondents stood by the reasons stated in the impugned proceedings.

4.Heard both sides and perused the materials available in the form of typed set of papers.

5.Stenography is now a dying art and still has not lost its relevance, and there are very few institutes such as the petitioner to impart the knowledge of stenography. Therefore, there is a current need to preserve institutes such as this. The second part is about the proportionality of the punishment inflicted by the second respondent. The petitioner is stated to be running its institute for 30 years and appears to have a good track record. Therefore, a solitary incident such as the one highlighted above, should not invite an extreme decision of cancelling the very approval.



W.P. No.19805 of 2022

6. Therefore, this court sets aside the impugned proceedings of the second respondent and direct it to renew its approval, if however directs the second respondent to impose any other lower penalty, if it is felt necessary.

7. The writ petition is disposed of accordingly. No costs. Consequently, the connected writ miscellaneous petitions are closed.

08.08.2023

Asr
Index : Yes/No
Speaking/Non-speaking order

To

1. The Director of Technical Education
Chennai - 600 025

2. The Chairman
Board of Examinations
Directorate of Technical Education
Chennai - 600 025

3. The Government Pleader
High Court, Madras



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W.P. No.19805 of 2022

N.SESHASAYEE, J.,

Asr

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