



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twenty Fourth day of February Two Thousand and
Twenty Three

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP(MD) No.3902 of 2023
IN
WP(MD) No.4040 of 2023

THE TAMIL NADU COMMERCE INSTITUTES' ASSOCIATION,
REP. BY ITS LIAISON OFFICER,
16/20A, NANDHI KOVIL STREET,
TRICHY 620 002.

... PETITIONER/PETITIONER

Vs

1 THE DIRECTOR
DIRECTORATE OF TECHNICAL EDUCATION,
CHENNAI 25.

2 THE ASSISTANT DIRECTOR (EXAMINATIONS),
DIRECTORATE OF TECHNICAL EDUCATION, CHENNAI 25.

3 THE CONTROLLER OF EXAMINATIONS,
DIRECTORATE OF TECHNICAL EDUCATION,
CHENNAI 25.

... RESPONDENTS/RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue an order of Interim Direction, directing the respondents to accept application for batch change for the exams to be conducted on 25.02.2023 and 26.02.2023 without treating it as rectification necessitating penalty pursuant to the impugned order pending disposal of the writ petition.

Prayer in WP(MD) . 4040/ 2023 :

To issue a Writ of Certiorarified Mandamus, calling for the records comprised in Circular No. 122909/TT3/2022 dated 21.01.2023 issued by the 2nd and 3rd respondents and consequential impugned circular No. 122909/TT3/2022 dated 22.02.2023 issued by the 3rd respondent and quash the same as being arbitrary, illegal and contrary to principles of natural justice in so far as it is



applicable to a rectification for batch and consequently directed the respondents to accept batch change without treating it rectification necessitating penalty.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.RAGUVARAN GOPALAN, Advocate for the petitioner and of Mr.T.AMJAD KUMAR, Government Advocate on behalf of the Respondents, the court made the following order:-

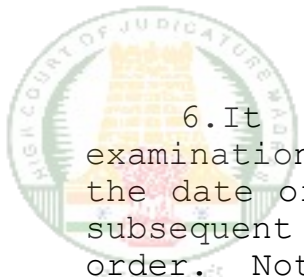
The writ petitioner is an association of Commerce Institutes. The petitioner questions the proposed levy of penalty for those candidates seeking batch change.

2.The primary ground, on which, the attack is mounted is that the impugned order was issued only on 22.02.2023. The examinations are proposed to be held on 25.02.2023 and 26.02.2023. The petitioner's counsel states that he can very well understand the logic behind the levy of penalty in cases of rectification where the fault is attributable to the candidate. However, in this case, batch change is sought when there is a clash of two examinations.

3.I take judicial notice of the fact that tomorrow the board examination as well as TNPSC examination are taking place. The persons who are to take part in such examinations cannot obviously take part in the typewriting examination. For them, Sunday alone would be suitable. Hence, they will be compelled to seek batch change.

4.My attention is drawn to the notification issued in November 2022 by the third respondent permitting batch change on the basis of the written requisition and proof. They did not levy any penalty for such batch changes. However, for the examinations proposed to be held during the coming week end, penalty is proposed to be levied even when the batch change is sought on the ground of clash of examinations.

5.I find force in the contention of the petitioner's counsel that candidates usually belonging the lower middle class write such examinations and that therefore, it may cause considerable hardship to them, if a demand for payment of penalty has raised at the last minute. I therefore grant an order of interim direction. Of-course, the benefit of this order is subject to the condition that the results will not be declared. Whether the results of even those persons who seek batch change without paying penalty can be declared or not will abide by the outcome of the main writ petition.



6.It is admitted by the petitioner's counsel that the examination dates were announced as early as on 27.12.2022. Only if the date of the examinations which pose conflict had been announced subsequent to 27.12.2022, such candidates can avail benefit of this order. Notice.

WEB COPY

sd/-
24/02/2023

/ TRUE COPY /

24/02/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMI

TO

- 1 THE DIRECTOR
DIRECTORATE OF TECHNICAL EDUCATION,
CHENNAI 25.
- 2 THE ASSISTANT DIRECTOR (EXAMINATIONS),
DIRECTORATE OF TECHNICAL EDUCATION, CHENNAI 25.
- 3 THE CONTROLLER OF EXAMINATIONS,
DIRECTORATE OF TECHNICAL EDUCATION,
CHENNAI 25.

+1. C.C. to M/S.PRABHAKAR.K Advocate SR.No.2890

ORDER**IN**

WMP(MD) No.3902 of 2023

IN

WP(MD) No.4040 of 2023

Date :24/02/2023

SA/SBN/SAR. /24.02.2023/3P/5C