



W.P(MD)No.13021 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.13021 of 2023

and

W.M.P.(MD) Nos.11021 and 11023 of 2023

1.M.Muthukumaran

2.S.Tamilselvan

3.A.Manikandan

... Petitioners

Vs.

1.The Additional Registrar/Administrator,
O/o. The Tamil Nadu Co-operative Union,
N.V.Natarajan Maligai,
No.170, Periyar E.V.R.Highways,
Kilpauk, Chennai-10.

2.The Principal,
Pattukottai Co-operative Industrial Training Institute,
Muthupet Road,
Pattukottai, Thanjavur District.

3.The Gem & Jewellery Technical Training Institute,
Rep., by its Authorized Officer,
47-A, First Floor, Somasundaram Street,
Chidambaram, Cuddalore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent vide his



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impugned proceedings in ந.க.எண்.3229/2021/1 dated 26.05.2023 and quash the same as illegal and consequentially to direct the respondents to conduct and complete the course by the earlier tenderer.

For Petitioner : Mr.M.Ajmal Khan
Senior Counsel
for M/s.Ajmal Associates

For R1 : Mr.K.S.Selva Ganesan
Additional Government Pleader

For R2 & R3 : No appearance

ORDER

Heard the learned Counsel on either side.

2.The Writ Petition had been filed by three students, in the nature of certiorarified Mandamus seeking records relating to an impugned order passed by the first respondent / Additional Registrar / Administrator, office of the Tamil Nadu Co-operate Union, Chennai, in proceeidngs Na.Ka.No. 3229/2021/D1 dated 26.05.2023 and quash the same and direct the respondents to conduct and complete the Course by the earlier tenderer. The earlier tenderer is the third respondent, Gem and Jewellery Technical Training institute.



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3. Even before proceeding further on the merits of the case, it must be mentioned that it is very clear that it is the third respondent who has misguided the three students to approach this Court by filing this writ petition. If the third respondent is aggrieved by the order, then the third respondent should have approached this Court and filed this writ petition. They cannot hide behind the screen of three students and jeopardise the career of the three students for having filed the writ petition, since, if they apply for any job elsewhere, the first question which would be asked would be whether they had been involved in any civil or criminal case. Then, these three petitioners will necessarily have to disclose that they had filed this writ petition. The third respondent should realise that they are a tenderer only under the first respondent.

4. I am also informed that the third respondent had filed a separate writ petition before the Principal Bench, questioning interference of such tender and when that be the case, they should have also taken up as a Writ Miscellaneous Petition, the fact that they should be continued to provide education to the second respondent college. They should not have, by any stretch of imagination, instigated the three petitioners to file the present writ petition. Additionally, the petitioners have also impleaded their own Principal as the



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second respondent, the Principal of the Institute where they are studying namely the Pattukottai Co-operative Industrial Training Institute at Pattukottai in Tanjavur District. It must be mentioned that this writ petition was moved as a lunch motion after getting permission on 05.06.2023 and thereafter on hearing the arguments of the learned Senior Counsel for petitioner and the learned counsel for the first respondent, the matter had been adjourned today. There was no time to issue notice to the second and third respondents but, since the learned senior counsel insisted that argument should be heard, arguments had been heard. The second respondent had voluntarily walked into this Court.

5. Learned Counsel, while the orders were to be dictated, placed a request that this Court should also hear the second respondent about the difficulties which the students would face because of the interference in the tender of the third respondent by the first respondent. The Principal C.Ilangovan (incharge) Assistant Training Officer / Principal of the second respondent is physically present before this Court.

6. It is made clear that if he has difficulties in imparting education to the students, he need not continue in the job and he can very well resign and do whatever work he wants to do where he would be confident about discharge of



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duties. He cannot plead on behalf of the students. He is not an agent of the third respondent. He is not working on behalf of the third respondent. The third respondent is only one of the teachers among many to impart education to the petitioners herein and the duty of the second respondent is only to ensure that the officials of the third respondent are present without absenting themselves on any working day. That is the only duty of the second respondent. He has no role in the teaching procedure, he has no role in stating as to how a particular class is to be conducted or how a subject is to be taught. That is the prerogative of the teacher who actually takes the Course.

7. The brief facts leading to the filing of the writ petition are that the term of contract of the third respondent had expired on 26.02.2023 and they were permitted to continue to teach classes still May, 2023. They were to take classes for the 8th subject in the second semester. The Course which the petitioners are undergoing are Diploma in Co-operative Management in the second respondent which is a one year Course. The Course commenced in September, 2022 and runs till July -2023. The specific paper in which the complaint is raised in the present writ petition, is the 8th paper of the one year Course or rather the third paper in the second semester course. This particular paper is to be taken by the third respondent consequent to a contract issued by the first respondent to that. As stated, that particular contract ended on



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26.02.2023 and the term was extended till May-2023. The Course, however runs till July-2023. The first respondent had called for fresh tenders. The third respondent, had filed a writ petition before the Principal Bench and had ensured that new contracts are not entered in, and that process was effectively stalled. The first respondent had therefore, appointed teachers who are ISO qualified and are imparting education to the students.

8. The duty of every student is to undergo the course and if they have clarifications, they may get those clarification, but they cannot insist that it is only a particular group of teachers or that the third respondent alone should teach them. That is beyond the scope of any student. That cannot be insisted also. The third respondent will have to take, stated the third subject of the second semester which is “ நகை மதிப்பீடும் அதன் தொழில்நுட்பங்களும்”.

It is not the case of the petitioners that in the entire state of Tamilnadu, only and only the third respondent alone has qualification and requisite training to impart such education. As students studying in Diploma, the petitioners themselves would graduate to become teachers in future. They cannot state that they alone would be so qualified. There would be always qualified teachers to impart education so far as the particular subject is concerned. The first respondent has that particular responsibility to discharge.



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9. Even when the writ petition was heard on 05.06.2023, this Court had very clearly stated that petitioners herein cannot stipulate that only the third respondent should impart the training. There was another allegation raised, namely that there was a change in the syllabus and that therefore the petitioners would be put to difficulty. But that statement is not correct as stated on behalf of the first respondent in the hearing today, wherein it is stated that it is the same syllabus which is being followed. Specialised teachers who are certified as trainers and have ISO certificate have been appointed. There are 20 institutes across the state of Tamil Nadu and in all these institutes, teachers have been appointed by the first respondent with requisite qualification to teach the aforementioned subject.

10. I really hope and fervently believe that the petitioners would concentrate on studying. That is their duty as on date. They cannot dictate as to who is to teach them what. They have joined the particular course. The first respondent is taking every step to ensure that necessary education and training is being imparted to the petitioner herein. If, as stated by the learned senior counsel, the third respondent were to continue to teach them, then they can be easily categorized as trainers whose contracts have expired and therefore have unlawfully taught the students which would also affect the future prospects of



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the petitioners herein, since so far as this particular subject is concerned, they cannot be considered as fully qualified.

11. Therefore, in the interest of the students, I would once again reiterate that they should attend classes and should undergo the training which is imparted to them. They need not concentrate as to who is the teacher and what is the standard of the teacher or any other aspect. Properly trained teachers would be imparting training to them and they must concentrate on completing the course successfully and getting a diploma degree at the end of the course. The entire writ petition is speculative in nature, is a result of external influences being put on the petitioners herein to file this writ petition. I am not convinced with the grounds taken. This Writ Petition is dismissed.

12. Let me also further clarify that merely because the petitioners filed a writ petition, it should never ever be held against them, in any of their future prospects or any application made by them for any job or work. The fact that they had filed the present writ petition should not be a negative factor so far as the petitioners are concerned. They should be judged only according to the merit and rank which they receive at the end of the course and not according to the fact that this particular writ petition had been filed by them. No costs.



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13. After the order had been dictated, the learned Senior Counsel who was not present when the orders were commenced to be dictated, came in and stated that the new syllabus has been incorporated in the impugned order itself. This is not an aspect which the petitioners can take. If the petitioners are not satisfied with the nature of syllabus, they can very well discontinue the course and walk away from the Course. This Court is not interested in granting any relief to the petitioners. The Writ Petition stands dismissed. No costs.

07.06.2023

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No

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To

The Additional Registrar/Administrator,
O/o. The Tamil Nadu Co-operative Union,
N.V.Natarajan Maligai,
No.170, Periyar E.V.R.Highways,
Kilpauk, Chennai-10.



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C.V.KARTHIKEYAN, J.

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