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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.07.2024

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THE HONOURABLE **DR. JUSTICE ANITA SUMANTH**

**W.P.No.11109 of 2024**

Bharat Catering & Hotel Management  
Industrial School,  
rep. by its Correspondent,  
Mr.R.Kalaikathiravan

... Petitioner

Vs

1.The Commissioner,  
Department of Employment and Training  
Guindy, Chennai – 600 032.

2. The Joint Director,  
Department of Employment and Training  
Government Multi Department Building,  
First Floor, Trichy – 20.

.... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned rejection order vide Na.Ka.No.39358/IS1/2023 dated 03.04.2024 issued by the 1<sup>st</sup> respondent and to quash the same and consequently direct the 1<sup>st</sup> respondent to approve the admission of the students for the year 2023-2024 and also to permit the students for the examination.

For Petitioner : Mr.P.Vijendran  
For Respondents : Mr.M.R.Gokul Krishnan  
Additional Government Pleader



## **ORDER**

Read this order in conjunction with and in continuation of order dated 26.06.2024 that reads as follows:

*Without going into the issues that arise for resolution, since the petitioner states that it is in possession of all the documents sought for under notice dated 04.10.2023, the petitioner is permitted to appear before the Joint Director, Department of Employment and Training/R2 before 1.00 p.m. today and satisfy R2 with regard to compliance with the deficiencies noted thereunder.*

*2. If fully satisfied, R1 and R2 will proceed to issue hall tickets to enable the students (106 in number) to write their examinations scheduled on 27.06.2024 and 28.06.2024.*

*3. It is made clear that the respondents are expected to satisfy themselves in full before according such permission and full discretion is vested with them to decide on whether the petitioner satisfies all the requirements or otherwise.*

*4. List on 02.07.2024 at the end of admission list to receive a status report of the respondents.*

2. Both learned counsel today confirm that the records relating to 106 students were verified and they have all written their examinations as scheduled, on 27.06.2024 and 28.06.2024.

3. While, in a way, this would appear to render the Writ Petition infructuous, the narration of events, as seen from a perusal of the writ affidavit and counter,



leaves the Court with the impression that all is not well in the procedure that has been followed by the parties.

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- i) According to the petitioner, the last date for admission was on 30.09.2023.
- ii) On 04.10.2023, R2 sent an e-mail calling for admission list, register and all other relevant documents, to be filed on 25.10.2023 or before 27.10.2023.
- iii) The admission details were submitted online on 30.09.2023 and R2 thereafter directed the petitioner to produce physical copies for verification on 25.10.2023.
- iv) According to the petitioner, the records were being carried for verification when the petitioner was held up on account of heavy rain in Trichy. The records were never produced thereafter.
- v) At paragraph 4(b), the petitioner states that the respondents were to call for the original records which was never done. This has been denied in the counter filed by the respondents.
- vi) On 19.12.2023, the petitioner has written to the authorities seeking time to upload the documents.
- vii) Out of the blue, impugned order dated 03.04.2024 has been sent to the petitioner stating that if the admission list and the relevant documents were sent for approval before 30.09.2023, approval will be granted, taking advantage of which the present Writ Petition has been filed.



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4. It is the categorical stand of the respondents that there is no justification whatsoever for the delay in production of the original documents and that there is no avenue to condone the delay. Thus the impugned order ought not to have been sent at all giving room for a cause of action. The Court is in agreement with the respondents on this point, and wonders what would have transpired if the respondents had not sent the impugned order to the petitioner as that is what has triggered the present Writ Petition.

5. Since the Court was of the view that 106 students should not be prejudiced by virtue of the carelessness of the petitioner institution, it directed the respondents on 26.06.2024 to issue Hall Tickets to the students, after due verification. Thus, their interests have been protected.

6. The petitioner is cautioned to ensure that in future, necessary procedure will be followed well within the stipulated periods.

7. In order that it realize the seriousness of the matter, the petitioner is directed to remit a sum of Rs.10,000/- (Rupees Ten thousand only) to Cancer Institute, Adyar, Chennai within a period of one (1) week from today and file a memo along with proof of payment of costs.

8. This Writ Petition is closed, with costs.

**02.07.2024**

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Index : Yes / No

Speaking Order: Yes

Neutral Citation: Yes

<https://www.mhc.tn.gov.in/judis>

**Note: Registry is directed to place the memo for costs in chambers.**



W.P.No. 11109



To

1. The Commissioner,  
Department of Employment and Training  
Guindy, Chennai – 600 032.
2. The Joint Director,  
Department of Employment and Training  
Government Multi Department Building,  
First Floor, Trichy – 20.



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**Dr.ANITA SUMANTH,J.**

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