



WA No.2081 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2024

CORAM

THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR

AND

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

WA No.2081 of 2022

Easa College of Engineering and Technology
rep. By its Principal Dr.Z.Robert Kennedy : Appellant

versus

1.The Anna University,
rep. By its Registrar,
Chennai 600 025

2.The Director,
Directorate of Technical Education,
Guindy, Chennai 25 : Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent
against the order of the learned Single Judge in WP No.10881 of 2019
dated 25.07.2022.

For the Appellant : Mr.R.Suresh Kumar
for M/s.K.M.Vijayan Associates

For the Respondents : Mr.V.Meenakshi Sundaram,
for the first respondent



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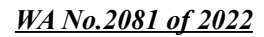
Mr.D.Ravichander,
Special Government Pleader,
for the second respondent

JUDGMENT

(Made by D. KRISHNAKUMAR, J.)

Aggrieved by the direction of the learned Single Judge to pay cost of Rs.10,00,000/- (Rupees Ten Lakh only) to the Chief Minister's Welfare Fund, the appellant has filed this appeal.

2. It is the case of the appellant/original writ petitioner that the appellant college admitted three students, who were working in Government Polytechnic Colleges in Kerala, in M.E. Structural Engineering, Day time – part time mode. One of the main condition for admission under Day time – part time mode is that the students should be a teaching staff working in the affiliated colleges of Anna University. Admittedly, the students in this case are working in a government institution in the State of Kerala. Since the condition was violated, admission of students were cancelled. However, the Director of Technical Education has recommended for ratifying the admission



3. Learned Single Judge has come down heavily on the University for having issued ratification and has made scathing remarks that money cannot wash away all sins and make unqualified persons, qualified for admission. Learned Single Judge has imposed a fine of Rs.10,00,000/- on the appellant college, payable to the Chief Minister's Relief Fund, within a period of two weeks from the date of the order.

4. Challenging the said direction of imposing cost, the present appeal has been filed.

5. Learned counsel for the appellant argued that the imposition of cost would tarnish the image of the college as though the college has done something illegal. The admission was duly recommended for



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ratification by the Director of Technical Education purely on humanitarian grounds. The issue was directed to be placed in appropriate body for relaxation. Accordingly, the issue was placed before the 148th Syndicate meeting of the Anna University and it was resolved to ratify the admission. However, the ratification came at a cost and the appellant was directed to pay penal fees equivalent to double the amount of fees paid by the students to the college.

6. When this court pointed out to the learned counsel that there is no provision for the Director of Technical Education to recommend for ratification, learned counsel fairly accepted the same and requested the Court to consider reduction of cost; as cost of Rs.10,00,000/- was too high.

7. Considering the fair acceptance of the learned counsel for the appellant that there is no provision for ratifying the illegal admissions, and also taking note of the fact that cost of Rs.10,00,000/- is on the higher side, we reduce the cost to Rs.5,00,000/- (Rupees Five Lakh only).



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8. Accordingly, we direct the appellant to pay a sum of Rs.5,00,000/- (Rupees Five Lakh only) to the Chief Justice Relief Fund for District Judiciary Employees, within a period of four weeks from the date of receipt of a copy of this Judgment.

9. We are also baffled by the order of the Director of Technical Education dated 17.05.2016, recommending ratification of the illegal admissions on humanitarian grounds. The concluding paragraph of the order is extracted hereunder:

“Considering the welfare of senior teachers working (sic) Government Institution Kerala they may be permitted to write second semester examination as special case. The same may be placed in appropriate body for relaxation in the instant case ratifying the action of admitting the candidate by the institution. Also, instant case may not be cited as precedent.”

10. A reading of the above shows the temerity with which a



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serious issue is dealt with in a very casual manner.

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11. We asked learned Government Pleader if there is any provision available for making any such relaxation or ratification. Learned Government Pleader also fairly accepted that there is no such provision available for treating any case as a special one.

12. We are of the view that the order passed by the Director of Technical Education is wholly illegal. Indeed, such an order if allowed to sustain, would only send a wrong signal to other colleges that they can make any illegal admission and that their case would be treated as a special case and recommendation would be made for ratification.

13. We take a serious view of the matter. We direct the Government of Tamil Nadu to take necessary steps to call for an explanation from the officer who had passed the order dated 17.05.2016, and take appropriate action based on the explanation submitted by the officer.

14. With the above directions, the writ appeal stands disposed



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of. There will be no order as to costs. Consequently, CMP No.15715 of 2022 is closed.

(D.K.K., J.) (K.B., J.)
11.07.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

- 1.The Registrar,
Anna University,
Chennai 600 025
- 2.The Director,
Directorate of Technical Education,
Guindy, Chennai 25



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