

S. Kannan Vs. the Commissioner of Technical Education

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Court : Chennai

Decided On : Jun-20-2012

Judge : Vinod K.Sharma, J.

Acts : [Constitution of India](#) - Articles 226

Appeal No. : WRIT PETITION No. 2194 of 2012 and M.P.Nos.1 and 2 of 2012

Appellant : S. Kannan

Respondent : The Commissioner of Technical Education

Advocate for Def. : Mr.E. Sampath Kumar, Adv.

Advocate for Pet/Ap. : Mr.G. Sankaran, Adv.

Judgement :

Writ Petition filed under under Article 226 of the [Constitution of India](#) praying this Court to issue a Writ of Mandamus to direct the respondents to approve the admission of the petitioner in M.E.Degree course for the Academic Year 2011-2012 and to permit the petitioner to write the 1st year M.E Degree course examination and to publish the result for the same.

ORDER

1. The petitioner has filed this Writ Petition, praying for issuance of a Writ in the nature of Mandamus to direct the respondents, to approve the admission of the petitioner in M.E.Degree course for the Academic Year 2011-2012 and thereby permit the petitioner to write the 1st year M.E Degree examination.

2. The petitioner after completing school education, passed Draughtsman Mechanical Trade (ITI) and also underwent apprenticeship course and in addition obtained Provisional National Apprenticeship Certificate. After completing apprenticeship course, he joined in a private concern.

3. The petitioner completed Bachelor of Computer Application in the year 2003, and also studied 3 years M.B.A course at Anna University and completed it in November 2007. Thereafter, the petitioner joined the course of Bachelors degree in Industrial Engineering in Indian Institute of Industrial Engineering, Bombay on Distance Education Mode which is a four years course.

4. The petitioner passed graduateship examination of Industrial Engineering in the year 2009. The graduate degree in Industrial Engineering includes passing of preliminary examinations, Section A examination and Section B examination. The petitioner, on successful completion of the examinations and on submission of project, was conferred with Certificate of pass by Indian Institute of Industrial Engineering, Navi Mumbai on 4.12.2009.

5. The graduate examination in Industrial Engineering is equivalent to B.E/B.Tech degree, is the requisite qualification for admission to post graduation course in Industrial Engineering M.E/M.Tech provided the candidate should possess two years Industrial working experience.

6. The petitioner submits that he completed the graduation in Industrial Engineering course in the year 2009 by passing the Section A examination in August 2008 and Section B examination in February 2009. Subsequently, he gained two years Industrial experience by working in the private concern. Being eligible, he applied for admission to M.E. Course in the Perumal Manimegalai College of Engineering/the 2nd respondent for the Academic Year 2011-2012 . The petitioner was not issued the hall ticket by the 1st respondent till the last date,

while all the other students studying in the college were issued the hall ticket.

7. The petitioner was not allowed to write examination of M.E commencing from January 2012 for want of eligibility for admission to the M.E. course.

8. The petitioner, being aggrieved by the action of the respondents in not permitting the petitioner to write the examination, approached this Court with a prayer for issuance of a nature of Mandamus, to direct the respondents to approve the admission of the petitioner in M.E.Degree course for the Academic Year 2011-2012, and to permit the petitioner to write the 1st year M.E Degree course examination and also to publish the result for the same.

9. This Court, by order dated 31.01.2012, passed the following interim order:

I have heard the learned Senior Counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents.

2. Since it is stated in the affidavit that when all other M.E. Degree course students, who studied along with the petitioner, has been issued with the hall ticket and appeared for the examination, this petitioner alone has not been issued with the hall ticket and not permitted to write the examination for no fault of his. According to him, there is no adversity against the student and further, it is stated that tomorrow is a last examination and if he does not writ the examination, the whole year would go waste.

3. Considering the above submissions made by the learned counsel appearing for the petitioner, there will be an order of interim directions directing the respondents to permit the petitioner to write the ongoing first year M.E. Course examination in the second respondent college. However, the result of the examination shall be withheld until further orders .

10. The petitioner appeared in the examination under the orders of this Court, however result was not declared, in view of the interim order issued by this court.

11. The writ petition is opposed by the respondent on the ground that the petitioner is not eligible for admission as the certificate issued by Indian Institute of Industrial

Engineering, Navi Mumbai is dated 4.12.2009. The contention of the respondent is, that according to the prospectus 2 years experience has to be counted after passing of the examination and not prior thereto.

12. In support of this contention, a reference has been made to the prospectus of the Tamil Nadu Common Entrance Test for M.B.A, M.C.A. & M.E/M.Tech/M.Arch/M.Plan Degree programmes. According to the prospectus, the eligibility for M.E is as under:

Sl.No

Course

Eligibility

M.E / M.Tech / M.Arch. / M.Plan

a. A pass in

i. B.E./B.Tech./B.Arch.degree

(or)

ii. 4 years B.Pharm/B.Sc (Agriculture/Forestry/Horiculture/Fishery)degree

(or)

iii. Master's Degree in the relevant branch of Science/Arts, which are prescribed.

b. Candidates with section A & B certificates and other similar certificates of professional bodies or societies (e.g A.M.I.E.) recognised by the Ministry of Human Resource Development, Govt. of India are considered to be equivalent to B.E/B.Tech. Degree holders only with 2 years industrial experience in the relevant field after successful completion of the course. An experience certificate is to be produced by the candidate.

13. It is contended by the learned Special Government Pleader, the reading of the prospectus shows that two years in Industrial experience is to be counted on

successful completion of the course, therefore, the petitioner will acquire two years experience only on 3.12.2011, thus, on the date of admission, the petitioner was not eligible.

14. It was on account of non-eligibility of the petitioner the Committee had decided not to approve his admission. It is not disputed that the order of the Committee has not been served on the petitioner till date.

15. On consideration, I find that the Writ petition deserves to succeed. It is not disputed that the petitioner had submitted mark sheets showing that he had cleared the examination for A and B certificates showing him to have passed in February 2009, though the degree was granted to the petitioner on 8.12.2009 after submission of the project.

16. The Rule making authority, in its wisdom, decided to lay down two years experience from the date of acquiring A and B certificates, and not the degree.

17. Therefore, it was not open to the Committee or the respondents to deny the approval to the petitioner, as it is not disputed that the petitioner qualified for A and B certificates in February 2009.

18. Since the petitioner was already serving while undergoing the studies, he has requisite experience of two years. The contention of the learned Special Government pleader that the petitioner is not eligible merely because final certificate was issued on 8.12.2009, therefore cannot be accepted, in view of clear provisions of prospectus, which has force of law.

19. For the reasons stated this writ petition is allowed. The respondents are directed to approve the admission of the petitioner in M.E.Degree course for the Academic Year 2011-2012 and allow him to take up his II Semester M.E Examination, commencing from 20.6.2012.

20. The respondents are further directed to declare the result of the examination already undertaken by the petitioner in January 2012. Consequently, connected MPs are closed.

No costs.

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