

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

WP No.13882 of 2021

and

WMP No.14745 of 2021

Nervazhi Iyakkam Trust
Rep. by its Managing Trustee T.Ganesh Kumar
Plot No.193B, Sri Vasudevan Nagar
Adhanur, Guduvancherry
Chennai - 603 202.

.. Petitioner

Vs.

- 1.The Union of India
Rep. by the Secretary
Ministry of Health & Family Welfare
Nirman Bhavan
New Delhi - 110 001.
- 2.University Grants Commission (UGC)
Rep. by its Secretary
Bahadur Shah Zafar Marg
New Delhi- 110 002.
- 3.The Principal Secretary to Government
Home Department
Government of Tamil Nadu
Fort St. George, Chennai.

- 4.The Principal Secretary to Government
Higher Education Department
Secretariat, Fort St. George
Chennai - 600 009.
- 5.The Principal Secretary to Government
Revenue and Disaster Management Department
Secretariat, Fort St. George
Chennai- 600 009.
- 6.The Commissioner
Directorate of Technical Education (Dote)
53, Sardar Patel Road
Guindy
Chennai - 600 025.
- 7.The Director
Directorate of Collegiate Education
EVK Sampath Building, 9th Floor
College Road, Chennai - 600 006.
- 8.The Director
Directorate of Public Health and Preventive Medicine
64/75, Main Road, Cokkalingam Nagar
Teynampet, Chennai - 600 086.
- 9.Bar Council of India
21, Rouse Avenue Institutional Area
Near Bal Bhawan, New Delhi - 110 002.
- 10.National Medical Commission
Pocket - 14, Sector - 8
Dwarka Phase - 1
New Delhi - 110 077.
- 11.All India Council for Technical Education
Nelson Mandela Marg
Vasant Kunj, New Delhi - 110 070.

12.Pharmacy Council of India
NBCC Centre, 3rd Floor
Plot No.2, Community Centre
Maa Anandmai Marg
Okhla Phase - I
New Delhi - 110 020.

.. Respondents

[R9 to R12 suo motu impleaded
vide order dated 02.08.2021]

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to frame a new Scheme of Vaccination to vaccinate the students, above the age of 18 pursuing higher education along with teaching and non-teaching staff associated with institutions that provide higher education on an immediate basis and consequently take effective steps to re-start in-person classes for fully vaccinated students.

For the Petitioner : Mr.Sricharan Rangarajan

For the Respondents : Mr.K.Srinivasamurthy, SPCG
for respondent-1

Ms.V.Sudha for respondent-2

Mrs.R.Anitha
Counsel for State
for respondents 3 to 5

Mr.S.R.Ragunathan
for respondent-9

Mrs.Shubha Ranjani Ananth
for respondent-10

Mr.Rabu Manohar
for respondent-11

Mr.M.T.Arunan
for respondent-12

No representation for
respondents 6 to 8

ORDER

(Made by the Hon'ble Chief Justice)

Though the writ petition was of limited import and required some kind of scheme to be framed for vaccinating students above the age of 18 pursuing higher education, together with the teaching and non-teaching staff associated with the relevant institutions, the court expanded the scope of the matter to stir some thought or interest in the virtual mode of operations as had to be resorted to in the wake of the pandemic.

2. To begin with, it needs to be recorded that the petition has served out its purpose. Most students involved in higher education, together with the teaching and non-teaching staff have been

vaccinated. At any rate, those interested in getting vaccinated have had an opportunity in such regard. Several institutions have also opened and classes are being conducted.

3. One of the side effects of the pandemic was the conduct of several activities - not the least of them, court hearings - on the virtual mode. While it is still stressful to participate in a virtual hearing, primarily because of the quality of connectivity at times, if the quality of the connection is appropriate, it opens up a lot of possibilities. Litigants who would have found it inconvenient to attend court proceedings because of the possible period of waiting, can now log on at the time when their matter is taken up and observe the proceedings without taking the trouble of coming to court or having to waste the entire day in the process. Similarly, lawyers do not need to travel long distances and use the convenience of their chambers to participate in the virtual hearings. If nothing else, a lot of resources involved in the travelling, not to speak of time, is saved.

4. Virtual classes have been conducted across the board. While the atmosphere of being together in a school or in a college or a

university must also be experienced as much as the education imparted there, students may exercise the choice of attending classes on the virtual mode, subject to obtaining permission or in cases when they are unwell or the like. Indeed, several students who spend a lot of time travelling may be spared the daily trouble by choosing which of the days to attend classes physically and which others to attend on the virtual mode, subject to any rules or regulations that may be prescribed in such regard.

5. The idea of the court was to initiate a discussion to continue some form of education on the virtual mode, whether as a substitute for the physical mode or in addition to the physical mode or as a combination as in the hybrid form of hearings undertaken in court. Papers have been filed by the University Grants Commission and the All India Council for Technical Education indicating how several courses are permitted online, while others are not. It may do well for all the nodal bodies to re-visit the matter, without being unnecessarily rigid, so that education may be more accessible, for instance to persons with disabilities who may have locomotor disabilities and face difficulty in travelling.

6. However, as noticed above, since the petition has worked itself out and there are no reports yet of a further surge though a substantial part of the festive season is already over, it is hoped that life can return to normal, but with the lessons learnt from the pandemic in alternative forms of conducting business or education not to be forgotten, so that the virtual mode of operation can go on hand in hand with the physical mode.

7. WP No.13882 of 2021 is disposed of. There will be no order as to costs. WMP No.14745 of 2021 is closed.

(S.B., C.J.)

(P.D.A., J.)

21.10.2021

Index : Yes/No

kpl/drm

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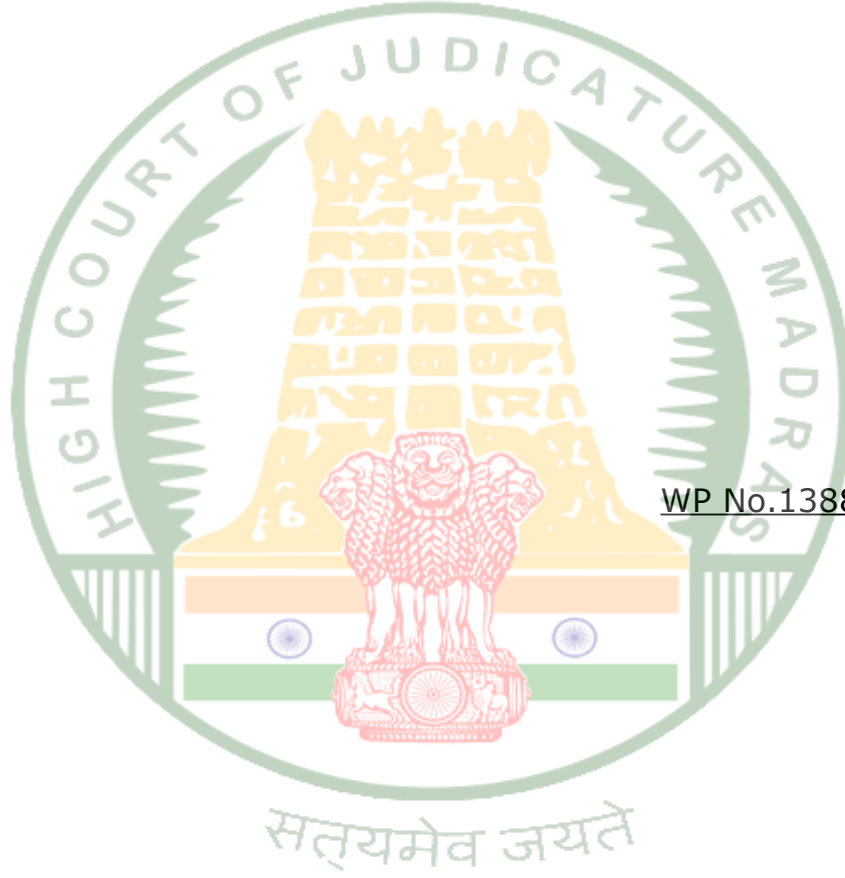


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