

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.33166 of 2014

and M.P.No.1 of 2014

M.Vishwanath

... Petitioner

Vs.

1.The Registrar,
The University of Madras,
Chepauk,
Chennai-600 005.

2.The Controller of Examinations,
University of Madras,
Chepauk, Chennai-600 005.

3.The Principal,
Government College of Fine Arts,
Chennai-600 003.

.... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second respondent to issue to the petitioner the First and Second Year mark sheets, provisional certificate and Degree Certificate pertaining to the Bachelor of Fine Arts-Visual Communication Design Branch Course completed in May 2004 by the petitioner under Register No.FA00125 for the academic year 2000-2004 from the Government College of Fine Arts, Chennai-600 003.

For Petitioner : Mr.Prashant Rajagopal

For Respondents : Mr.R.Vijayakumar,
Additional Government Pleader

O R D E R

This writ petition is filed praying for issuance of a Writ of Mandamus directing the directing the first and second respondent to issue to the petitioner the First and Second Year mark sheets,

provisional certificate and Degree Certificate pertaining to the Bachelor of Fine Arts-Visual Communication Design Branch Course completed in May 2004 by the petitioner under Register No.FA00125 for the academic year 2000-2004 from the Government College of Fine Arts, Chennai-600 003.

2. The petitioner would state that inspite of the third respondent College having forwarded the particulars, the University delayed the matter and did not give Mark Sheet and Provisional Certificate for 10 long years and the petitioner has been put to irreparable hardship and lost employment opportunities. It is further submitted that the petitioner was directed to pay Rs.10,000/- vide proceedings of the University dated 20.08.2008 and immediately thereafter the money was paid and inspite of that the respondent University did not release the Mark Sheet or Provisional Certificate.

3. When the matter came up for hearing, the learned counsel for the respondent University produced before this Court a written communication issued by the Controller of Examinations stating that the petitioner studied B.F.A. Degree (Visual Communication) course in the Govt. College of Fine Arts, Egmore, Chennai-3, during the academic year 2000-2001 batch and the petitioner registered and wrote the First and Second year examinations in April 2002. It is further stated that the internal marks and external marks for practical was not forwarded by the third respondent College in respect of the petitioner. It is further stated that the Principal of the third respondent College had forwarded the internal marks on 29.07.2008, but he has not forwarded the external marks for practical. Therefore, the University has requested to forward the external marks for practical for the petitioner, vide letter dated 12.09.2012 and the Principal of the third respondent College has forwarded the external marks on 22.12.2014. It is also stated that after receipt of external marks for practical, the University processed the results of April 2002 for the petitioner and out of 12 subjects registered in April 2002, the petitioner has qualified in 11 subjects only and he has secured 27/75 instead of 30/75 in the theory subject History of Arts (FZA). Therefore, it is stated that the Provisional Certificate cannot be issued. The Original Mark Sheet that has been enclosed along with the communication, has been produced before this Court.

4. The learned counsel for the petitioner submitted that for no fault committed by the petitioner, he has been denied Mark Sheet and in the History subject (FZA) he has not secured pass mark in theory and if the petitioner was awarded 3 more marks, he would have been declared pass.

5. Considering the peculiar facts and circumstances, this Court is of the view that the respondent University should award marks to the petitioner since the examination for which the petitioner appeared was during April 2002 and at this point of time, the petitioner cannot reappear for the examination as the syllabus would have also been changed.

6. In the light of the above, the petitioner is directed to receive the Statement of Original Mark Sheet produced before this Court by making acknowledgment and the petitioner is directed to apply to the respondent University for revaluation of the marks or in the alternative to grant of grace marks. If such representation is made, the respondent University shall consider the same and take pragmatic view of the matter in respect of the marks of the written examination in April 2002 and award 3 marks in the theory subject History of Arts (FZA), since the petitioner requires 3 marks in the history subject to secure pass. The above direction shall be complied with within a period of three weeks from the date of receipt of representation of the petitioner along with the copy of this order.

7. The learned counsel for the petitioner submitted that the petitioner has lost all the employment opportunities and he has incurred financial loss and suffered mental agony. If the petitioner choose to sue for compensation, it is always open to the petitioner to approach the appropriate forum. The learned counsel for the petitioner also submitted that the First Year mark sheet has not been issued to the petitioner. Hence, there will be a direction to the second respondent to issue first year mark sheet to the petitioner within the above said period.

8. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst. Registrar

/true copy/

Sub Asst. Registrar.

To

1. The Registrar,
The University of Madras,
Chepauk, Chennai-600 005.

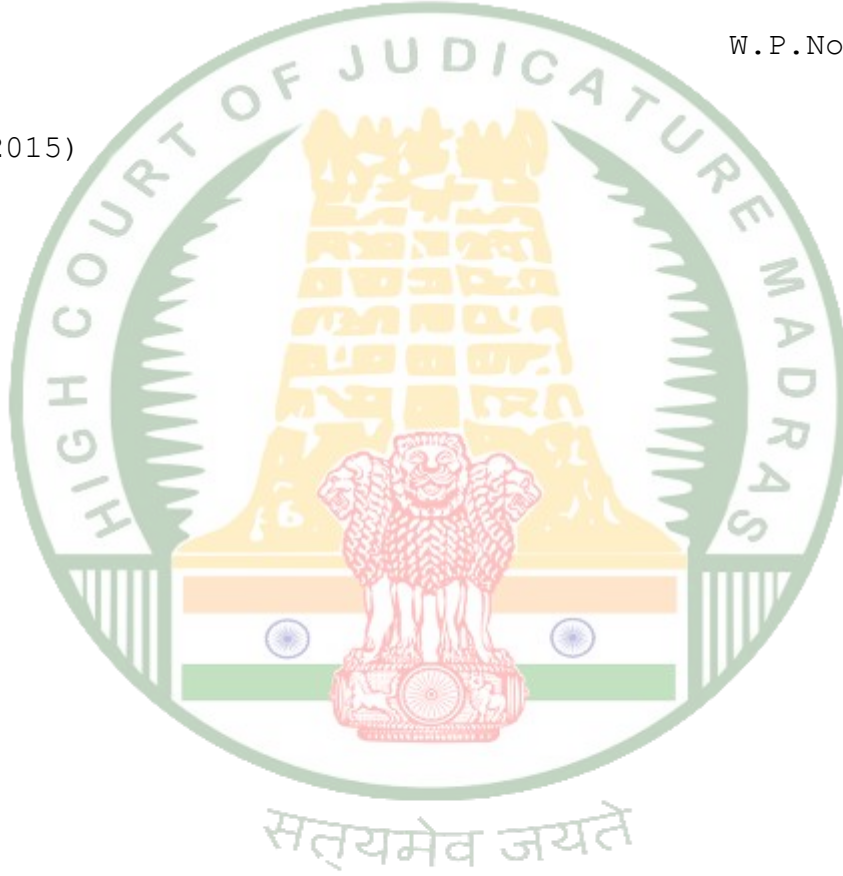
2.The Controller of Examinations,
University of Madras,
Chepauk, Chennai-600 005.

3.The Principal,
Government College of Fine Arts,
Chennai-600 003.

+lcc to Mr.Prashant Rajagopal, Advocate, S.R.No.9510

W.P.No.33166 of 2014

BVR(CO)
gp(26/02/2015)



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