

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M. SUNDRESH

W.P.No.21216 of 2015 and
M.P.No.1 of 2015

R.Rema

... Petitioner

- Vs -

- 1 The Ministry of Human Resource
& Development (grievances Redressal Portal
Central Govt. of India Public
Portal Higher Edu. Dept. Education-Category
of MHRD No.302-C Shastri Bhawan New Delhi
- 2 The Director
Indian Institute of Management NIT Campus
Thanjavur Main Road Thuvakudi
Tiruchirapalli
- 3 Fellow Programme Management
Committee Indian Institute of Management
Tiruchirapalli Rep.by its Chair Person

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Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of mandamus directing the respondent 1 to pass appropriate orders permitting the petitioner to undergo slow track course of first year Fellowship Programme in Management FPM in Economics and Public Course Policy Area in the 2nd respondent Indian Institute of Management Tiruchirapalli to continue the FPM Programme.

For Petitioner	: Mr.G.Sankaran
For R1	: Mr. S.Meenakumari
For R2 & R3	: Mr.S.Gayathri

ORDER

The writ petition is filed for the issuance of a writ of mandamus directing the respondent No.1 to pass appropriate orders permitting the petitioner to undergo slow track course of first year Fellowship Programme in Management FPM in Economics and Public Course Policy

Area in the 2nd respondent Indian Institute of Management Tiruchirapalli to continue the FPM Programme.

2. The petitioner after graduation of B.A., (Economics) in the year 2006 followed by M.A., (Economics) in the year 2008 and B.Ed., in the year 2009 and M.Phil., in the year 2010, worked in IIM, Ahmedabad as Academic Associate from July 2012 to July 2013.

3. The petitioner wrote and passed University Grants Commission-Junior Research Fellowship Examination conducted by UGC in the year 2012. Based upon merit, she was selected for Fellowship Programme in Management (FPM) equivalent to Ph.D., in IIM, Trichirapalli coming under the respondent No.1. She was accordingly given admission to the first year FPM in Economics in the year 2014. As per the regulations, a student is required to have minimum Cumulative Grade Point Average (CPGA) of 2.20/4.33 at the end of first year course work, to be made eligible for registration of the second year course work. Regulation 5.1 which governs the case is extracted hereunder:

"5.1 CGPA Requirements: Fellow Programme Students are required to have a minimum Cumulative Grade Point Average (CGPA) of 2.20/4.33 at the end of first year coursework, to be eligible for registration for the second year course work. For the purpose of calculation of CGPA and qualifying CGPA, exempted courses will be ignored and CGPA will be calculated only on the courses that were taken. Other conditions regarding Deficit Credit Points (DCP) will be same as that for the corresponding PGDM students.

"Any student who does not meet the CGPA requirements at the end of the first year will be required to withdraw from the programme. The FPM Committee, may however, under certain cases that merit another chance, allow the student to undergo the part of or the complete first year course work once again."

Thus as per paragraph 2 of the said regulation, an exception is carved out on a case basis providing for another chance for a student to undergo either part or complete first year course once again.

4. Petitioner is unfortunate to secure 1.98 out of the minimum requirement of 2.20. Thus, the third respondent committee issued a letter dated 20.5.2015 for withdrawing the petitioner from FPM programme. By a subsequent letter dated 19.06.2015, the petitioner was informed that on review, the earlier decision is confirmed. The petitioner made another request to respondent No.2. It was replied to the petitioner on 08.07.2015 that the background resulting in her poor performance though acknowledged, considering the overall facts of the case, no review can be done especially when respondent No.2 was also a part of the committee. In the letter dated 08.07.2015, it was specifically informed that the petitioner was offered an

opportunity to go on slow track which according to the respondent No.2, is not accepted. Seeking a direction to the respondent No.2 to pass appropriate orders permitting the petitioner to undergo slow track course of first year fellowship programme, the present writ petition is before us.

5. The learned counsel for the petitioner submitted that the petitioner has stated in specific terms about the agony undergone by her. The representation made on 08.07.2015 and the personal conversation with respondent No.2 would amply prove the same. Thus, she being a victim undergoing a mental trauma ought to have been treated by applying para 2 of Regulation 5.1 governing the case. The learned counsel also submitted that the petitioner had never refused to undergo slow track course. Thus, it is a fit case where appropriate orders will have to be passed especially when even as per the order dated 08.07.2015, the petitioner was said to be offered the said option.

6. The learned counsel for the respondent submitted that the offer said to have been made as per the order dated 08.07.2015 is a mistake. As the petitioner has not performed well, she was not allowed to continue the course any further. In academic matters, this Court shall not interfere by seeking a review of the decision made by panel of academicians. The Regulation contained in para 2 clause 5.1 does not have any application to the FPM programme.

7. It is rather strange that such a stand has been taken by the respondents. A perusal of para 2 of Regulation 5.1 clearly shows that it is applicable to FPM programme. Committee itself is named as FPM committee. Perhaps, that is the reason why it has been mentioned in the order passed by respondent No.2 that the slow track course has been offered to her. Similarly, the stand taken that the said offer is a mistake, cannot be countenanced as there is no other contra material to show that there is a mistake, especially in the light of the provisions governing the case. The learned counsel for the respondents have made reliance upon the proceedings of the committee. The proceedings of the committee also shows that the applicability of para 2 of regulation 5.1 and entitlement of the petitioner to undergo slow track course has not been considered. On the other hand, the minutes of the meeting held on 11.06.2015 clearly shows that there was a total refusal on the part of the committee to apply the said Regulation on the sole ground that FPM are expected to be strong academically. The following is the observation made by the committee:

“ (ii) There is no option of repeating the first year course work (in slow track mode or otherwise) for FPM students. This is because the FPM students are expected to be strong academically.”

8. Thus, this Court is of the view that the petitioner is entitled to succeed. The respondent No.2 after observing the trauma underwent by the petitioner ought to have exercised a discretion and as in the case of respondent No.3 in favour of the petitioner. It is not as if respondents No.2 and 3 will be affected if they allow the petitioner to undergo slow track course. What the petitioner seeks is to undergo course once again. Nobody will be prejudiced by it. Petitioner is admitted in the year 2014. By allowing her, the ensuing candidates would not be affected. Responsibility is imposed upon respondents 2 and 3 to see to it that a genuine candidate is helped to perform better after the completion of the course. That is the object and rationale behind an institution imparting education to a student. Performance of a student has to be seen in a proper perspective. The institution concerned has to come to the aid of the student by applying regulation correctly in the given case.

9. The decision relied upon by the respondent did not help the case on hand. In Jai Narain Vyas Vs. Shashi Kala Parihar dated 09.12.2010, the facts are to the effect that a request has been made to the petitioner to accept the thesis. The Rajasthan High Court has rightly rejected the said case as the Court has no role to play in academic matters. Similarly, in Achint Vs Errol dated 02.07.2012, the High Court of Gujarat was dealing with a case of assessment of academic performance as a student was not allowed to complete the second year programme based upon the inadequacy which is not the case herein.

10. The question herein is not one of undergoing slow track course or otherwise rather, it is one of applicability of para 2 of Regulation 5.1.

11. Considering the facts and circumstances of the case, this Court is of the view that the respondents are unwilling to apply the provisions of regulation in the current case.

12. In the result, Writ petition is allowed. Consequently, respondents 2 and 3 are directed to pass appropriate orders permitting the petitioner to undergo slow track course of first year Fellowship Programme in Management FPM in Economics and Public Course Policy Area in the 2nd respondent Indian Institute of Management Tiruchirapalli to continue the FPM Programme. This order is passed considering the facts and circumstances which is not in dispute. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CO)
dt:21/09/2015

True Copy

Sub-Assistant Registrar

To

- 1 The Ministry of Human Resource
& Development Central Govt. of India Public
Portal Higher Edu. Dept. Education-Category
of MHRD No.302-C Shastri Bhawan New Delhi
- 2 The Director
Indian Institute of Management NIT Campus
Thanjavur Main Road, Thuvakudi,
Tiruchirapalli.
- 3 The Chair Person, Fellow Programme Management
Committee, Indian Institute of Management
Tiruchirapalli.

+1 cc to Mr.S.Meera Kumari Advocate sr.42260
+1 cc to Mr.G.Sankaran Advocate sr.47608
+1 cc to Mrs.S.Gayathri Advocate sr.47133

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