

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.Nos.29666 of 2015 and 14036 of 2013

K.Raja Minor
rep.by its, Father and natural
Guardian Mr.Kumaran,

... Petitioner in WP.No.
14036 of 2013

K.Raja

.. Petitioner in WP.No.29666
of 2015

Vs.

1. The State of Tamil Nadu,
Rep. By its Controller of Examination,
Anna University, Guindy,
Chennai - 25.
2. The Principal,
Arulmigu Meenakshi Amman College of Engineering,
Vadamavandal, Namandi Post,
Cheyyar Taluk, Thiruvannamalai District. ... Respondents
in both the writ petitions
3. Asst.Prof.Mr.Hariharan,
Arulmigu Meenakshi Amman College of Engineering,
Vadamavandal, Namandi Post,
Cheyyar Taluk, Thiruvannamalai District. ... 3rd respondent
in W.P.No.14036/2013

PRAYER IN W.P.No.29666/2015: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of mandamus to direct the first respondent University to regularise the admission of the petitioner to the 6th semester for the Bachelor of Architecture Programme by permitting the petitioner to write the examination for Architectural design paper-IV subject Code AR 2306 and Architectural design - V Subject Code AR 2356 and accordingly direct the respondent University to confer the degree of Bachelor of Architecture on the petitioner in the event of him successfully completing the examination.

PRAYER IN W.P.No.14036/2013: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of certiorarified

mandamus to call for the records on the file of the first respondent relating to the original results published by the first respondent relating to the Branch 251 B.Arch. Architecture reg.No.50310251009 in subject code AR 2306 dated 27.04.2013 and quash the same and consequently direct the first respondent to revalue the said examination paper by appointing a qualified and expert examiners and further direct the respondents to permit petitioner son Raja to continue his further studies without any reappearance in B.Arch and to complete the course as per the original schedule.

In both writ petitions:

For Petitioner : Mr.Dakshayani Reddy

For R1 : Mr.M.Vijayakumar

For R2 : No Appearance

O R D E R

The facts of the case are very peculiar. The petitioner was a student of the second respondent. Admittedly, as per the Clause 12.1 of the Regulation, 2009, a candidate has to clear the subject of Design in the 5th semester before entering into the 6th semester. The petitioner unfortunately failed in the practical examination conducted for the subject of Design. However, the result was not known till the petitioner almost completed his 6th semester. In fact, the result of the 5th semester was published only just few days before the conduct of the 6th semester. Thereafter, the petitioner approached this Court by filing writ petition bearing W.P.No.14036 of 2013. In pursuant to the interim order passed by this Court in the said writ petition, the petitioner wrote the subsequent examination starting from 6th semester onwards and now the Course is over.

2. The present position is, all the students who got the admission along with the petitioner have completed the Course in this year. The petitioner has failed in two papers of the 5th semester including the subject of Design. The result of the examination of 6th semester had not been published. These are the peculiar facts of the case. It is brought to the notice of this Court that the regulation of the year 2009 has been amended subsequently by permitting the students to go from 5th semester to 6th semester notwithstanding the failure to clear the Design subject.

3. The petitioner has suffered sufficiently. While all his batch mates have cleared, he is yet to get the degree. Such a degree can be given to the petitioner only when he clears the two papers in the 5th semester, apart from other papers for which the results are yet to be

published. In other words, if the petitioner finds himself failed in other papers starting from 6th semester, even those papers will have to be cleared. However, these procedures might take some time.

4. Therefore, considering the above sated facts and circumstances of the case, coupled with the fact that the Regulation, 2009, has been subsequently modified though the same would not apply retrospectively to the case of the petitioner, this Court is inclined to direct the respondent to publish the results of the petitioner starting from 6th semester onwards. As the petitioner has failed in the two papers of the 5th semester, he can also be permitted to write the ensuing examination for those two papers including the subject of Design. After the publication of the results of the examination written by the petitioner from the 6th semester onwards, in the event of the petitioner failing in any other subject, it is open for him to write the said examination and on clearing the examination in the failed papers, the respondent shall grant the degree notwithstanding the Regulation as it existed earlier. This order is passed by taking note of the peculiar facts of this case as stated above and therefore, the same cannot be cited as a precedent, for, the petitioner has written the examination pursuant to the interim order passed by this Court.

5. With the above said observations and directions, the writ petitions stand disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

rkm

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub-Assistant Registrar

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To

The Controller of Examination,
Anna University, Guindy,
Chennai - 600 025.

+1 C.C. to MR.M.VIJAYAKUMAR, Advocate in Sr.No.56217
+1 C.C. to MR.M.VIJAYAKUMAR, Advocate in Sr.No.56216
+1 C.C. to MR.Dakshayani, Reddy, Advocate in Sr.56374

W.P.Nos.29666 of 2015 and
14036 of 2013

MSM(CO)
sd : 14/10/2015



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