

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.03.2015

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THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.424 of 2015

Chalamalasette Srinivas

[ Petitioner ]

Vs

- 1 The Registrar  
Anna University Guindy Chennai 25
- 2 The Director of Academic Courses  
Anna University Guindy Chennai 25
- 3 The Controller of Examinations  
Anna University Guindy  
Chennai 25
- 4 The University of Madras  
Rep by its Registrar Chepauk Chennai 5
- 5 The Principal  
Priyadarshini Engineering College  
Chettiyappanur Village and Post  
Vaniyambadi 635 751  
Vellore District

[ Respondents ]

Writ petition filed under Article 226 of the Constitution of India praying for a writ of CERTIORARIFIED MANDAMUS to call for the records relating to the Impugned Order of the 3rd respondent in Memo No. 5352/C20/COE/2014 dt 13.12.2014 and the order of the 3rd respondent in Lr. No. 5352/C20/COE/2014 dt 5.12.2014 and quash the same and direct the respondents to issue the Provisional Certificate and the Consolidated Marks Sheet including the Marks Statement in respect of the arrears examination held in November / December 2013 in which the petitioner had passed as per the results published online.

For Petitioner : Mr.T.N.Sugesh

For Respondents : Mr.M.Vijayakumar, Standing Counsel  
for R1-3

Mrs.G.Thilakavathy (R4)  
NA (R5)

#### ORDER

Heard Mr.T.N.Sugesh, learned counsel for the petitioner, Mr.M.Vijayakumar, learned Standing Counsel for the Anna University and Mrs.G.Thilakavathy, learned counsel for the University of Madras. The 5th respondent, though served and their name is also printed in the cause list, none appeared for them.

2. The petitioner seeks for issuance of a writ of certiorarified mandamus to quash the order passed by the 3rd respondent in Memo No.5352/C20/COE/2014 dated 13.12.2014 and the communication of the 3rd respondent in letter No. 5352/C20/COE/2014 dated 5.12.2014 and to direct the respondents to issue the Provisional Certificate and the Consolidated Marks Sheet including the Marks Statement in respect of the arrears examination in which the petitioner appeared during November / December 2013 and has been declared to have been passed.

3.1 The facts of the case are very peculiar. The petitioner joined B.E. (E.E.E.) Degree course under the 5th respondent College in 2001. At the time when the petitioner joined the college, the 5th respondent College was affiliated to the University of Madras. However, the examinations were conducted and results of the examinations were published by the Anna University. There is no dispute to the fact that the petitioner completed the course within the time permitted i.e., by 2005. At the time when he completed the course, the petitioner had failed in 3 subjects. The subjects which he was declared to have been failed are

- (1) EE 350 - Computer Architecture
- (2) MA 231 - Mathematics III and
- (3) A202 - Engineering Mathematics II.

3.2 The petitioner is said to have faced severe medical complications and mental disorder and therefore, he could not immediately apply for writing the arrears examination. By efflux of

time, the petitioner would have lost his right to appear for the examination, but for the notification issued by the Anna University on 12.09.2013, by which, the grievance of a set of students who have been admitted to UG and PG Courses in the University Departments/Autonomous Institutions/Affiliated Colleges under Anna University, who were unable to complete the arrear courses and exceeded the maximum period for completion, have been redressed and a grace period was given by the Anna University. Such of those candidates have to apply for permission to sit for the arrears examination during November/December 2013.

3.3 The petitioner applied under the said notification, which granted one time exemption to such of those candidates like the petitioner, who could not pass the arrears within the maximum period stipulated. The petitioner applied through the College for appearing in those three papers which he has failed. So far as the two papers viz., Computer Architecture and Mathematics III, there appears to have been no issues, though there is a plea in the counter that those papers are given wrong code numbers. However, the issue relates only to one of the papers bearing code No. MA 132 - Mathematics II. The petitioner applied for the said paper viz., MA 132, whereas the paper in which he failed was paper A 202 Engineering Mathematics II. It appears that the Engineering Mathematics II is no longer in vogue and that was substituted by Mathematics II bearing code number MA 132. Therefore, the petitioner's application was forwarded to the Anna University and the Anna University accepted the application after due verification and he was issued with an Hall Ticket for all the 3 papers viz., EE 350, MA 231 and MA 132 and he appeared for the examination and he passed all the 3 papers and the results were published in the official website of the Anna University and it has been down loaded by the petitioner.

3.4 After the petitioner obtained the results, he applied for consolidated mark statement and provisional certificate including the arrears examination, which he appeared in November/December 2013. When such a request was made, the respondent Anna University has passed the impugned order stating that the subject studied by the petitioner under the other University was a different syllabus and therefore, now they seek to cancel the results published for those three subjects and also refused to grant consolidated mark statement and provisional certificate. Aggrieved against the same, this writ petition is filed.

4. It may be true that on the date when the petitioner applied for permission to sit for the arrears examination, the syllabus for

one of the papers might have been changed on the instruction given by the affiliating University. However, the College had forwarded the petitioner's application for issuance of Hall Ticket mentioning the subject code MA 132. The Anna University on being satisfied with the application, has issued the Hall Ticket. It is presumed that the details furnished by the Institution were found to be correct and that is why the Hall Ticket has been issued. Based on the Hall Ticket, the petitioner was permitted to sit for the examination and he sat for the examination and he came out successful and the results have been declared. Therefore, at this distance of time, Anna University cannot take an exception stating that the syllabus of one of the papers which the petitioner appeared does not have full relevance to the paper in which he had failed viz., A 202 Engineering Mathematics II.

5. In the light of the above factual position, this Court is of the view that it is too late for Anna University to now cancel the results already published and refuse to issue consolidated mark statement and provisional certificate. However, it is made clear that the facts of the present case is very peculiar and also taking note of the manner in which the Anna University accepted the petitioner's application and permitted him to sit for the examination and also published the results in the Internet, this order has been passed and this shall not be sighted as a precedent.

6. In the result, the writ petition is allowed and the impugned order passed by the 3rd respondent in Memo dated 13.12.2014 and the communication of the 3rd respondent in letter dated 5.12.2014 are set aside and the respondent Anna University is directed to issue the Provisional Certificate and the Consolidated Marks Sheet including the Marks Statement in respect of the arrears examination in which the petitioner appeared during November / December 2013 and has been declared to have been passed, within a period of eight weeks from the date of receipt of a copy of this order.

No costs.

Sd/-

Assistant Registrar (AD-I)

//True Copy//

Sub Assistant Registrar

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To

1 The Registrar  
Anna University Guindy Chennai 25

2 The Director of Academic Courses  
Anna University Guindy Chennai 25

3 The Controller of Examinations  
Anna University Guindy  
Chennai 25

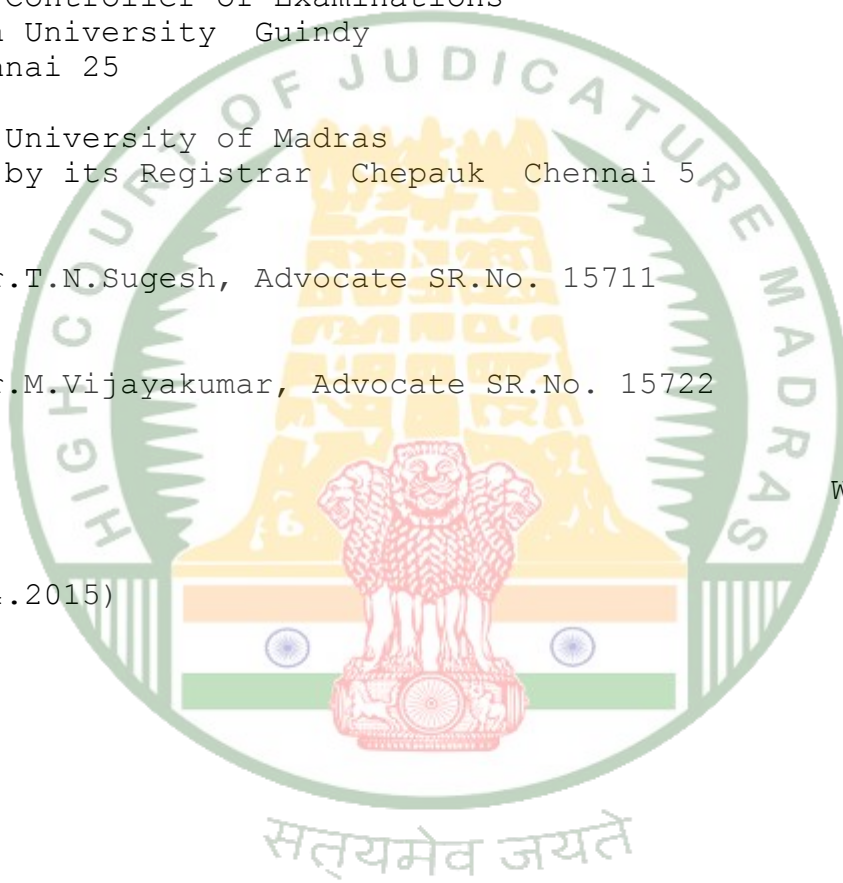
4 The University of Madras  
Rep by its Registrar Chepauk Chennai 5

1 CC to Mr.T.N.Sugesh, Advocate SR.No. 15711

1 CC to Mr.M.Vijayakumar, Advocate SR.No. 15722

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KU (CO)  
PSI (06.04.2015)



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