



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Appeal (MD) No.927 of 2015

R.Balakrishnan

.. Appellant/Petitioner

Vs.

1.The Controller of Examination
Anna University, Tirunelveli.

2.The Principal
Francis Xavier Engineering College,
Vannarpettai,
Tirunelveli.

3.The Chairman,
Francis Xavier Engineering College,
Vannarpettai,
Tirunelveli.

4.The Controller of Examination,
Francis Xavier Engineering College,
Vannarpettai,
Tirunelveli.

... Respondents

Writ Appeal filed under Section 15 of Letters Patent Act against the order dated 30.04.2015 passed in WP(MD)No.6902 of 2015 by this Court.

Prayer in WP(MD). 6902/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to issue Hall Ticket and permit the petitioner to write the 4th Semester Examination going to be held in 05.05.2015 to 11.05.2015 (6 papers) and granting such further or other reliefs as this HOnourable Court may deem fit.

For Appellant	: Mr.G.Thalaimutharasu
For R - 1	: Mr.M.Rajarajan
For RR - 2 to 4	: Mr.A.Thiruvadikumar

JUDGMENT



This writ appeal is directed against the order dated 30.04.2015 passed in WP(MD)No.6902 of 2015 by this Court.

2.We have perused the order of the learned Single Judge for the reason which has been put forth by the appellant/writ petitioner.

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3.As the appellant do not have requisite attendance, he did not get hall ticket. Hence, the writ petition has been filed for the following relief:-

"Writ of Mandamus is filed to direct the respondents to issue hall ticket and permit the petitioner to write the 4th semester examination going to be held in 05.05.2015 to 11.05.2015 (6 papers)."

4.The learned Single Judge keeping the writ petition pending and without prejudice to the appellant's rights permitted him to take up fourth semester examination. The learned Single Judge also observed that result shall not be declared till the appellant/petitioner re-do the course, namely, fourth semester. It was further clarified that if the appellant refuses to re-do the course, the examination which he is going to take part will be non-est in law.

5.Mr.G.Thalaimutharasu, learned counsel appearing for the appellant/petitioner contended that having permitted the appellant/petitioner to appear in the examination, there was no justification to order for redoing the course.

6.It may be that, for the reason of lack of attendance, the learned single Judge thought it fit to order that the writ petitioner should redo the course. We find that the order passed by the learned Single Judge was at the behest of the counsel for the appellant/writ petitioner. In such event, the issue now raised by the learned counsel for the appellant/petitioner that there was no need to redo the course and that the petitioner should be allowed to write examination and result declared can be made before the learned Single Judge by way of review or otherwise.

7.In view of the above, we find no reason to interpret the order passed by the learned Single Judge. Accordingly, this writ appeal is disposed of giving liberty to the appellant/writ petitioner to move the learned Single Judge. No costs. Consequently, M.P(MD)No.2 of 2015 is closed.

Sd/-

Assistant Registrar (Per.Admn)

/True Copy/

Sub Assistant Registrar

mj

TO,

1.The Controller of Examination

Anna University, Tirunelveli.



2.The Principal
Francis Xavier Engineering College,
Vannarpettai,
Tirunelveli.

3.The Chairman,
Francis Xavier Engineering College,
Vannarpettai,
Tirunelveli.

4.The Controller of Examination,
Francis Xavier Engineering College,
Vannarpettai,
Tirunelveli.

+1CC to Mr.D.Selvanayagam Advocate Sr.No.58471

+1CC to Mr.M.Rajarajan Advocate Sr.No.58491

GJM/SKS/RR/29.10.15-3P-7C

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