

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2016

CORAM:

THE HON 'BLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.14537 of 2016

and

W.M.P.Nos.12700 & 22044 of 2016

V.Anitharani

... Petitioner

Versus

1. The Registrar, Bharathiar University,
Coimbatore 641 046
2. The Controller of Examinations,
Bharathiar University,
Coimbatore 641 046
3. The Controller of Examinations,
Thiruvalluvar University,
Serkkadu, Katpadi Taluk,
Vellore - 632 115
4. The Principal, Bishop Appasamy College
of Arts and Science,
Coimbatore 641 018

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the third respondent to immediately issue the Provisional Certificate, Consolidated Marks Statement and Degree completion certificate to the petitioner for having successfully completed B.A., English under Registration No.43512TU25634 within a reasonable time as may be fixed by this Court.

For Petitioner : Mr. N.Anand Venkatesh

For Respondents : No Appearance

O R D E R

The petitioner, in the affidavit filed in support of this writ petition would aver, among other things, that, she studied B.A., (English) at Visya College, Salem, affiliated to Periyar University, during the year 2011-12 and 2012-13, and she successfully passed the First and Second years of the said

course and on account of family circumstances, she shifted her studies to Sri Lakshmi College of Arts and Science, Kallakurichi, Villupuram, affiliated to Tiruvalluvar University / third respondent, during the year 2014-15, wherein she has successfully completed the final year of B.A., (English) course.

2. The Registrar of Thiruvallur University had also approved her re-admission, vide his proceedings dated 30.09.2014 and as a consequence only, she was allowed to complete the final year course in Sri Lakshmi College of Arts and Science, Kallakurichi, Villupuram. The petitioner, after passing B.A., (English) course got admission to M.A., (English) Literature, at the fourth respondent / College, which in-turn, affiliated to Bharathiar University and for the first semester of M.A., (English) Literature examination, she was issued with a hall-ticket, appeared for examination held during November 2015 and passed all the six papers and despite that, no mark-sheet has been issued to her.

3. The petitioner, to her shock and surprise, has received a letter, dated 09.02.2016 sent by the first respondent to the fourth respondent / College, calling upon them to remove her from the rolls of the said college, on account of non-production of original certificates, for verification. According to her, as an usual practice, the original mark-sheets are given for each semester, after completing the Under Graduate course, a consolidated mark-sheet will have to be issued by the third respondent, along with the Course Completion Certificate. Though the petitioner was repeatedly approaching the third respondent / University, in that regard, no response is forthcoming and left with no other option only, the petitioner sent a legal notice, on the third respondent, on 09.04.2016, calling upon them to issue the provisional certificate, consolidated mark-sheet and the convocation degree certificate, failing which, she will be constrained to approach this Court. The third respondent, on receipt of the same, has not been complied with the said request. Therefore, she is constrained to approach this Court, by way of this writ petition.

4. Mr. N.Anand Venkatesh, learned counsel appearing for the petitioner, would submit that, for no fault of the petitioner and also on account of the lapse and careless attitude of the officials of the third respondent-University, the petitioner is made to suffer and therefore, prays for a positive direction, directing the third respondent to directly forward / send B.A., (English) course provisional certificate, consolidated mark statement and degree completion certificate of the petitioner to the first respondent, so as to enable her to complete the M.A., (English) Literature, Post-Graduate course, and prays for appropriate orders.

5. The learned counsel appearing for respondents 1 and 2 is absent and there is no representation on behalf of them.

6. This Court has considered the submissions made by the learned counsel for the petitioner and also carefully scrutinized the materials placed on record.

7. This Court often come across such a kind of attitude or inaction on the part of some of the State run Universities, in not responding to the genuine and needy request of the students, who had undergone education in the affiliated colleges in the concerned Universities.

8. The third respondent / University, vide communication dated 30.09.2014, addressed to the Principal of Sri Lakshmi College of Arts and Science, Kallakurichi, Villupuram, had permitted the petitioner to re-admit, in third year B.A., (English) course, 5th semester, subject to certain conditions. She has also completed the course and was issued with the individual mark-sheets and thereafter, the petitioner joined the Post Graduate Course, i.e., M.A., (English) Literature in the fourth respondent / College, which is affiliated to the first respondent / University and on account of non-forwarding of the provisional certificate, consolidated mark-sheet and Degree completion certificate of her B.A., (English) Course, she is made to run from pillar to post and was also not permitted to write the second semester examination, in the first year M.A., (English) Literature course.

9. The third respondent / University, being an institution, in-charge and responsible for imparting quality education, should also ensure that the degree certificates, provisional certificates and consolidated mark-sheet are issued to the students in time.

10. It is pertinent to point out, at this juncture, that nowadays it has become a practice to issue consolidated mark statement for the convenience of the students as well as the institution / university, they are going to join.

11. Therefore, this Court, in the light of the above facts and circumstances, directs the third respondent / University to forward the provisional certificate, degree certificate and consolidated mark-list of the petitioner, pertains to B.A., (English) degree course, in Registration No.43512 TU 25634, forthwith to the first and second respondents and shall also ensure that in future, such a kind of delay / lapses would not occur.

12. The petitioner, pending disposal of the writ petition, was permitted to write the second semester, First Year, M.A. English Literature course. But for the delay, on

the part of the third respondent, the result would have been declared. Therefore, the second respondent is directed to declare the result of the said examination forthwith and communicate the same to the petitioner.

13. The writ petition is disposed of accordingly. No costs. Consequently, the connected WMPs are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srk

To

1. The Registrar, Bharathiar University,
Coimbatore 641 046
2. The Controller of Examinations,
Bharathiar University,
Coimbatore 641 046
3. The Controller of Examinations,
Thiruvalluvar University,
Serkkadu, Katpadi Taluk,
Vellore - 632 115
4. The Principal, Bishop Appasamy College
of Arts and Science,
Coimbatore 641 018
5. The Secretary to Government of Tamil Nadu,
Higher Education Dept.,
Chennai 600 009.

+1cc to Mr.N.Anand Venkatesh, Advocate, S.R.No.43902

W.P.No.14537 of 2016
and

W.M.P.Nos.12700 & 22044 of 2016

MP1(CO)
CA(05/08/2016)