

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33350 of 2015

and

M.P.No.1 of 2015

- 1.Ms.R.Mathibanu
- 2.Ms.V.Prathiba
- 3.Ms.D.Selvi
- 4.Ms.M.Valli
- 5.Ms.E.Nathiya
- 6.Mr.P.Deva
- 7.Ms.M.Sheethal
- 8.Ms.A.Amala
- 9.Mr.N.Jaiganesh
- 10.Mr.P.Manivannan
- 11.Ms.R.Thamizharasi
- 12.Mr.A.Vetrivel
- 13.Mr.P.Ragupathi
- 14.Ms.R.Sivasankari
- 15.Ms.M.Vanitha
- 16.Ms.V.Parameswari
- 17.Ms.D.Rekha
- 18.Ms.S.Resona Banu
- 19.Ms.M.Sivasankari
- 20.Ms.S.Sundhari

All the Petitioners are students
of CSM College of Arts & Science
Erumanoor Road,
Viridachalam-606 001.
Cuddalore District.

... Petitioners

सत्यमेव जयते

Vs

1. The Registrar,
Thiruvalluvar University,
Sekkadu
Vellore-632 115
Vellore District.

2. The Controller of Examination,
Thiruvalluvar University,
Sekkadu
Vellore-632 115
Vellore District.

3. The Principal,
CSM College of Arts & Science
Erumanoor Road,
Viridachalam-606 001.
Cuddalore District.

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to forthwith issue the sixth semester mark sheet, consolidated mark sheet for the under graduate course and provisional certificate for the under graduate course pursued by the petitioners in the third respondent college in the light of the communication in Ref.No.ASCO4/CSM/ASC/0198/2015, dated 17.08.2015 of the third respondent addressed to the respondents 1 and 2 so as to enable them to pursue the post graduate course without any interruption.

For Petitioners : Mr.T.Sellapandian

For Respondents 1 & 2 : Mr.V.Gangatharan

O R D E R

The petitioner has come forward with this Writ Petition seeking for a mandamus upon the respondents to issue the sixth semester mark sheet, consolidated mark sheet for the under graduate course and provisional certificate for the under graduate course pursued by the petitioners in the third respondent college in the light of the communication in Ref.No.ASCO4/CSM/ASC/0198/2015 dated 17.08.2015 of the third respondent addressed to the respondents 1 and 2 so as to enable them to pursue the post graduate course without any interruption.

2. According to the petitioners, they have joined the third respondent College to pursue their under graduate degree for the academic year 2012-2015. The third respondent college is affiliated with the respondents 1 and 2. The sixth semester examination was conducted during April/May 2015 and the result thereof was declared during July 2015 declaring all the petitioners pass. As the petitioners have completed the course, they requested the respondents to issue the sixth semester mark sheet, consolidated mark sheet for the sixth semester, provisional certificate etc., to enable them to proceed further to pursue their higher studies. As there was delay in issuing such certificates to the petitioners, in anticipation of issuance of such certificates, joined the post graduate courses and at present, they are pursuing their post graduate degree courses in various colleges.

3. It is the grievance of the petitioners that now, the colleges in which the petitioners have joined for pursuing the

post graduate degree, are insisting for production of sixth semester mark sheet, provisional certificate etc. Even though the petitioners have approached the respondents for providing the sixth semester mark sheet, provisional certificate etc., till date, they were not issued with such certificates. The petitioners, therefore approached the third respondent College, seeking for issuance of sixth semester mark sheet, provisional certificate etc. The 3rd respondent College, who in turn, sent a communication dated 17.8.2015 in Ref.No.ASC04/CSM/ASC/0198/2015, by enclosing the details of the course completed by the petitioners and their register numbers to 2nd respondent viz., Controller of Examination, Thiruvalluvar University requesting them to take necessary action to distribute mark sheets, provisional and consolidated mark sheets. Thereafter, the petitioners have also sent a representation dated 8.10.2015 to the first respondent viz, the Registrar, Thiruvalluvar University, Sekkadu Vellore reiterating their request for issuing the certificates at the earliest. In spite of such representations, the respondents 2 and 3 have not issued the above mentioned certificates to the petitioners till date.

4. It is the further grievance of the petitioners that now, the college in which the petitioners have joined the post graduate degree have given an ultimatum to produce the above said certificates and if the petitioners fail to produce the same within the given time, it was made clear that the petitioners will not be permitted to pursue their post graduate courses. Even though the results for the sixth semester examinations was published as early as in July 2015, the respondents have failed to issue the sixth semester mark sheets, consolidated mark sheets and provisional certificates etc., to the petitioners. Under the circumstances, the petitioners, left with no other alternative, joined together have filed the present writ petition with the prayer stated supra.

5. Learned counsel for the petitioners submitted that the results for the sixth semester were published as early as on July 2015, subsequent there of, the petitioners were announced as pass. Even after lapse of more than four months after the publication of results, the respondents did not issue sixth semester mark sheet, consolidated mark sheet and provisional certificate for the under graduate course underwent by the petitioners and the same would cause grave prejudice to the petitioners in pursuing their post graduate courses. He would further submit that for no fault attributable on the petitioners, they have been victimized by the respondents by not issuing the certificates till date. Thus, he prayed for allowing of this Writ Petition.

6. On the other hand, learned counsel appearing for the respondent University opposed to grant the direction sought for, stating that the Government is yet to pass a Government Order permitting the 3rd respondent College to have a Co-Education. He further submitted that unless the Government Order is passed, the petitioner's representation cannot be considered.

7. He further submitted that out of 20 petitioners, in respect of female students, who are petitioners 1 to 5, 7, 8, 11, 14 to 20, their mark sheets for sixth semester have already been issued and the mark sheets have not been issued only in respect of male students who are petitioners 6, 9, 10, 12 and 13 and their mark sheets would be issued after the Government passes necessary Government Order.

8. I have considered the submissions made on either side.

9. Since the petitioners have already completed their undergraduate courses and their results were also announced and subsequently, they were also declared as pass, in my considered opinion, the respondents 1 and 2 cannot deny the issuance of the mark sheets to the petitioners at this juncture stating that the mark sheets of male students would be issued after the Government passes Government Order. Considering the peculiar facts and circumstances of the case and taking note of the submissions of learned counsel for petitioners as well as respondents 1 and 2, this Court directs the respondents to issue sixth semester mark sheets, consolidated mark sheets and provisional certificates for the under graduate course in respect of petitioners 6, 9, 10, 12 and 13 within a period of four weeks from the date of receipt of a copy of this order.

10. In the result, the Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Registrar,
Thiruvalluvar University,
Sekkadu, Vellore-632 115
Vellore District.

2. The Controller of Examination,
Thiruvalluvar University,
Sekkadu
Vellore-632 115
Vellore District.

+1cc to M/S.T.Sellapandian, Advocate, S.R.No.10024
+1cc to M/S.V.Gangatharan, Advocate, S.R.No.9486

W.P.No.33350 of 2015
and
M.P.No.1 of 2015

ak (CO)
srg (08/03/2016)



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