

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH  
and  
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Writ Appeal No.348 of 2016  
and  
C.M.P.No.5128 of 2016

The Controller of Examinations  
The Tamil Nadu Dr.Ambedkar Law University  
Poompozhil  
Dr.D.G.S.Dhinakaran Salai  
Chennai-600 028

... Appellant/Respondent

Vs.

1. K.Panjamurthy
2. State of Tamil Nadu  
Rep. By its Secretary to Government  
Law Secretary  
Fort St.George  
Chennai-600 009.
3. The Director of Legal Studies (in-charge)  
Kilpauk, Chennai-600 010.
4. The Principal  
Dr.Ambedkar Govt.Law College  
Chennai-600 104.
5. The Bar Council of India  
21, Rouse Avenue Institutional Area  
Near Bal Bhawan  
New Delhi-110 002.
6. The Bar Council of Tamil Nadu and Puducherry  
High Court Buildings  
Chennai-600 104.

... Respondents 1 to 6/  
Petitioners/Respondents

(Respondents 5 and 6 impleaded)  
Suo motu impleaded R5 & R6 in W.A.348/2016  
dated 03.06.2016.

Writ Appeal filed under Clause 15 of Letters Patent against the order dated 14.09.2015 made in W.P.No.27252 of 2014.

W.P.No.27252 of 2014 : This Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari, calling for the entire records connected with the impugned order of the 3rd respondent made in Lr.No.292/36/COE/C5/2014 dated 23.09.2014 and quash the same.

For appellant : Mr.P.Shanmugasundaram

For respondents : Mr.Sathia chandran for R1  
Mr.P.S.Sivashanmugasundaram,  
Special Government Pleader  
for R2 to R4

Mr.S.R.Rajagopal  
for Bar Council of India

Mr.S.Y.Masood  
for Tamil Nadu Bar Council

JUDGMENT

(Judgment of the Court was delivered by HULUVADI G. RAMESH, J.)

Heard the learned counsel appearing for the appellant/Controller of Examinations, the Tamil Nadu Dr.Ambedkar Law University and the learned counsel appearing for the first respondent/student.

2. It appears that in connection with the alleged malpractice/ misconduct of the first respondent herein/student of law college, the results of the eighth semester examination as well as results of the student for all the papers were withheld. Thereafter, based on the disciplinary enquiry committee report, a decision was made to cancel examination written by the first respondent for eighth semester and debar him for one more semester. The first respondent therefore approached this court by way of W.P.No.26249 of 2014 and this court by order dated 07.10.2015, allowed the first respondent to continue his studies and write his examinations. Thereafter, the first respondent, after completion of his ninth and tenth semester, approached this court by way of W.P.No.27252 of 2014, challenging the order of the Controller of Examinations/appellant herein dated 23.09.2014, wherein, it is stated as hereunder:-

"The authorities of the University have considered the reported malpractice in respect of Thiru.Panjamurthy K.(Reg.No.510A0118) candidate of 5 year B.A., B.L., Degree examinations, May 2014 at Dr.Ambedkar Government Law College, Chennai. The authorities decided to cancel all the papers written in this session and debar one more session. He is eligible to appear for the May 2015 Examinations."

3. The learned Single Judge, by order dated 14.09.2015, observed that the charge against the first respondent/student is one of the misbehaviour against the invigilator; there is nothing on record to show that invigilator has been examined or anyone who made complaint about misbehaviour. The learned Single Judge, referred to a decision of a Division Bench of this court reported in 2015 2 MLJ 36, and pointed out that the first respondent herein/writ petitioner/student has suffered sufficiently. The learned Single Judge further pointed out that in the normal course he would have completed the failed paper by this time and if the petitioner fails in 9<sup>th</sup> semester, he has to rewrite the same. Thus, on appreciation of the overall circumstances, it was held that the sufferings faced during this period by the student would be sufficient punishment. It is also argued by the learned counsel appearing for the first respondent/student that without following the principles of natural justice and without proving the malpractice alleged to have been committed by the first respondent, he was sentenced to penalty. In the circumstances, the learned Single Judge, by the order dated 14.09.2015, set aside the order of the Controller of the examinations/appellant herein dated 23.09.2014 with a direction to the appellant herein to give opportunity to the first respondent herein to write the papers in arrears, if any, after the results are published. The learned Single Judge, further observed that an opportunity has to be given to the petitioner so as to enable him to become a better citizen and a good lawyer.

4. The 6<sup>th</sup> respondent herein-Bar Council of Tamil Nadu and Puducherry, is the subsequently impleaded respondent in this Writ Appeal and they filed a counter affidavit stating that they are not a party in the Writ Petition and in no way connected with the impugned order passed by the University.

5. The first respondent-student also filed a counter affidavit stating that no enquiry was conducted, no witness was examined, no opportunity for cross-examination was given and enquiry report was not furnished and hence the order debarring

him for a session is totally in blatant violation of the principles of natural justice. The first respondent, thus, prayed for dismissing the Writ Appeal.

6. We have considered the averments and submissions made on both sides. We approve the view taken by the learned Single Judge that the petitioner has suffered sufficiently. Further this court finds no illegality in the order passed by the learned Single Judge and no substantial document has been placed before this court to take a contra view. Accordingly, we find no merit in the Writ Appeal and the same is dismissed. No costs. Consequently, connected MP is closed.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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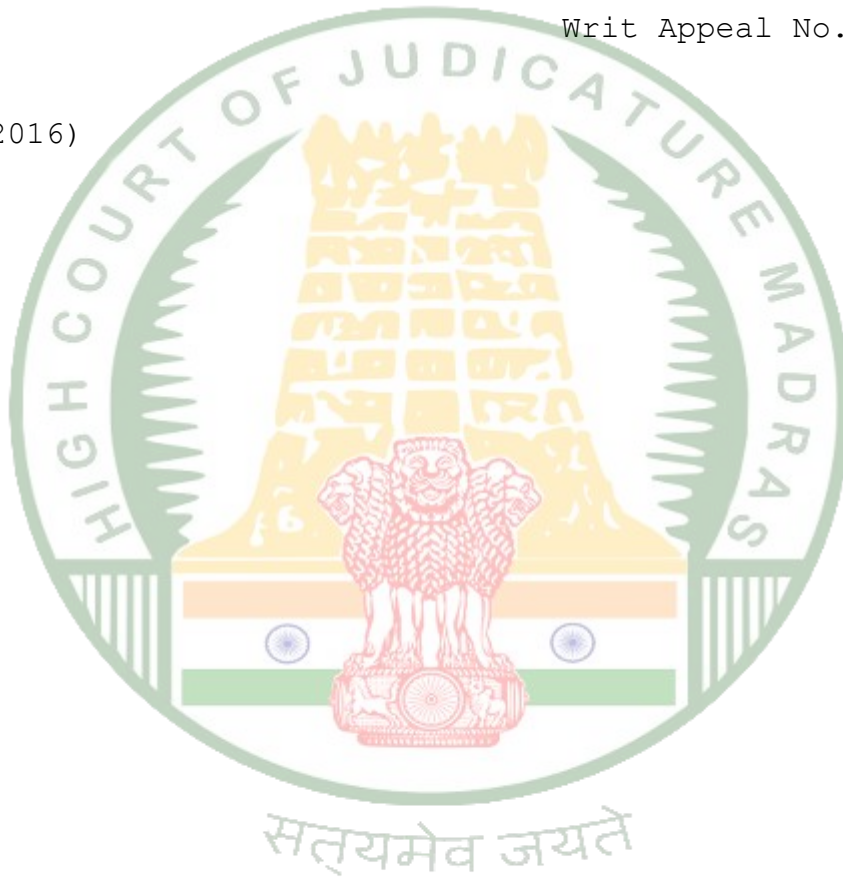
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+1cc to Mr.S.R.Rajagopal, Advocate, S.R.No.29980  
+1cc to Mr.Sathia chandran, Advocate, S.R.No.29721  
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.29712  
+1cc to Mr.S.Y.Masood, Advocate, S.R.No.30065  
+1cc to the Government Pleader, S.R.No.29824

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PUR(CO)  
CA(24/06/2016)



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