

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM :

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 4703 of 2013

and

M.P. No. 1 of 2013

Mohammad Mahadiur Rahman ..Petitioner

Vs.

1. Anna University
Rep. By its Registrar
Guindy, Chennai - 600 025.
2. Park College of Engineering
and Technology
Rep. By its Principal
Kaniyur, Coimbatore- 641 659.
3. The Directorate of Technical Education
Rep. By its Commissioner
Guindy, Chennai - 600 025.
4. Hindustan College of Engineering
rep. By its Principal
Padur (Via) Kelambakkam
Kancheepuram District- 603 103.
5. Tagore Engineering College
Rep. By its Principal
(Approved by AICTE, New Delhi and
Affiliated to Anna University)
Rathinamangalam, Vandalur (via)
Chennai - 600 048. .. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to have its academic council consider and approve the extension of B.E. Aeronautical course for the petitioner and further direct the respondents 1,3 and 5 herein to allow the petitioner to complete the B.E

Aeronautical course from the 8th semester in the 5th respondent College or any other College and issue such further orders.

For Petitioner	: Ms. M. Ezhilarasi for M/s. S. Kala
For Respondents	: Mr. V. Shanmugasundar for R1 & R3 Mr. S. Udayakumar for R2 Mr. J. James for R4 Mr. G. Ramdas for R5

O R D E R

The petitioner has filed the present writ petition, to direct the 1st respondent to have its Academic Council consider and approve the extension of B.E. Aeronautical course for the petitioner and further direct the respondents 1,3 and 5 herein to allow the petitioner to complete the B.E Aeronautical course from the 8th semester in the 5th respondent College or any other College.

2. Learned counsel for the petitioner would submit that the petitioner joined the 2nd respondent College in the academic year 2002-2003 for B.E Aeronautical Course. Due to the administrative reasons, the petitioner suffered shortage of attendance and he was dropped out at the end of first and second year. So, he made representations to the 1st and 3rd respondents and also to the Secretary to Government, Higher Education Department, Chennai. Inspite of their considerations and recommendations, the petitioner was not permitted to continue his studies in the 5th semester, by the 2nd respondent College. However, the petitioner was advised to get transferred to the 4th respondent College instead of fighting with the 2nd respondent College. But, the petitioner was rejected to be admitted in the 4th respondent College. Subsequently, the petitioner was admitted in the 5th respondent College and continued his studies. Due to sickness, again he suffered shortage of attendance and was not permitted to continue his studies in the 5th respondent College. Therefore, the petitioner is before this Court, seeking to set aside the impugned order of the 5th respondent.

3. Leaned counsel for the 5th respondent, relying on the counter filed by 5th respondent, submitted that the petitioner ought to have repeated the VI Semester by applying to the 5th respondent College during November/ December 2009, if the petitioner was sincerely interested in completing his studies. This would have enabled the petitioner to complete his course by 2009-2010. 8 more students who lacked attendance like the petitioner, thereafter rejoined the 5th respondent College and have completed their respective courses. He further submitted that as per the Regulations of the 1st respondent University the

duration of the Degree of Bachelor of Engineering/ Technology programme is ordinarily 8 semesters (4 academic years) but in any case not more than 14 semesters. The petitioner having joined the course in the academic year 2002-2003 has already exceeded the course duration and as such there is no provision for any extension of the course beyond the period of 14 semesters. Thus, sought dismissal of the writ petition.

4. Heard learned counsel for all the parties and perused the material available on records.

5. This Court by its order dated 29.09.2010, directed the petitioner to make a representation to the University, requesting for extension of duration of the course and on such representation, the same to be placed before the academic council and the Syndicate would consider the approval for extension and writing the arrears subject, based on the merits of each case. Further, the petitioner was directed to make a representation to the University, who shall consider the same as expeditiously as possible. Pursuant to the said order, the petitioner has made a request on 17.05.2011 to the first respondent Registrar of Anna University. It is stated that no orders have been passed on the representation.

6. As per the Regulations of the first respondent University, although the duration had exceeded the prescribed period, the petitioner has filed W.P. No. 12768/ 2009 and has obtained an interim order, directing the petitioner to submit a representation and the 1st respondent has been directed to consider the representation on merits. However, the same is still pending with the 1st respondent.

7. Considering the case of the petitioner and the interim orders passed by this Court, without expressing any opinion on merits of the case, I am inclined to direct the 1st respondent to consider the representation of the petitioner dated 17.05.2011, on merits and in accordance with law, based on further materials submitted by the petitioner, and pass orders as expeditiously as possible, preferably within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

avr

To

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and Technology
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3. The Directorate of Technical Education
Rep. By its Commissioner
Guindy, Chennai - 600 025.

+1cc to Mr.K. Sudalaikannu, Advocate, S.R.No.452
+1cc to Mr.G. Ramdas, Advocate, S.R.No.562
+1cc to Mr. J. James, Advocate Sr.No.961
+1cc to S. Udayakumar, Advocate Sr.No.636

sr(CO)
md(02/03/2017)

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