

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-11-2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.27829 of 2017
and
W.M.P.No.29822 of 2017

K.Jayakaran

... Petitioner

Vs

1.The Tamil Nadu Dr.Ambedkar Law University,
Rep. herein by its Registrar,
M.G.R.Salai, Near MRTS Railway Station,
Perungudi, Chennai - 600 096.

2.The Controller of Examinations,
The Tamil Nadu Dr. Ambedkar Law University,
M.G.R.Salai, Near MRTS Railway Station,
Perungudi, Chennai - 600 096.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order dated 31.08.2017 and made in Ref.No.1968/COE/C1/2017 on the files of second respondent herein and to quash the same and also direct the Respondents to publish the results of all the papers written by petitioner in the 2nd Semester L.L.M (Constitutional Law and Human Rights) including one arrear in 1st semester in April/May 2017 exams.

For Petitioner : Mr.A.Chidambaram

For Respondents : Mr.V.Vasanthakumar

ORDER

The petitioner who is a lawyer by profession is pursuing LLM Course in the Constitutional Law and Human Rights in the respondent University. He wrote second semester during May 2017 with one arrear paper in the first semester on 26.04.2017. The petitioner's results were withheld alleging some malpractice, practised by the petitioner in the examination. A show cause notice dated 08.08.2017 was served upon to the petitioner for the enquiry to be conducted on 23.08.2017. After getting

explanation dated 17.08.2017 from the petitioner in the enquiry, an order has been passed cancelling all the papers written in that session and his eligibility to appear for November 2017 examination. The said order is being challenged before this Court.

2. Heard Mr.A.Chidambaram, learned counsel appearing for the petitioner; Mr.V.Vasanthakumar, learned standing counsel appearing for the respondents.

3. It is contended by Mr.A.Chidambaram, learned counsel appearing for the petitioner that the allegation against the petitioner is that he disclosed his identity in the answer sheet by writing his name and registration number in respect of one subject namely Judicial Process and that was the allegation raised in show cause notice. Whereas the petitioner gave an explanation dated 17.08.2017 stating that the mistake was committed unintentionally and nothing is gained by him by disclosing his identity. However, after enquiry, by the impugned order, the respondent cancelled all the papers written by the petitioner in that session. According to the learned counsel, proper opportunity was not given to the petitioner and that apart the petitioner has not gained anything by disclosing the identity. Therefore, the impugned order has to be quashed.

4. However, Mr.V.Vasanthakumar, learned standing counsel for the respondent would submit that the Law College is an institution which is imparting legal education to the students. If a law student is unable to follow the rules and regulations prescribed by the University, the respondent is justified in cancelling all the papers. Since the petitioner disclosed his identity in all the papers he wrote, which is evident from all the answer sheets of the petitioner produced before this Court, wherein it is found that the petitioner has disclosed his registration number and name.

5. A perusal of the Annexure-Tamil Nadu State Council For Higher Education's, "On Controlling Malpractices in University Examinations" issued during July 2005 would reveal that for indicating identity using colour thread/markings in colour pencil/Candidates name/Reg. No. in other pages/College Name/any other special marking, the punishment of warning/cancellation of examination of that particular paper is prescribed.

6. Students especially, PG students, that too, a student who undertakes post graduate degree in law is supposed to know all the procedures. For the malpractice, which the petitioner committed by indicating his identity, either a warning or cancellation of that particular paper could have been made by the respondent/University. No doubt, the petitioner indicated

his identity by writing his name and registration number as revealed in the original answer sheets produced by the respondent before this Court. However, it has to be seen that in the show cause notice, the petitioner was accused of disclosing identity in only one paper namely Judicial Process. Based on the show cause notice, enquiry was conducted. If enquiry is conducted based on the show cause notice dated 08.08.2017, the respondent is bound to restrict itself only to that particular paper. Therefore, the respondent would be justified in cancelling the exam written by the petitioner, only with regard to the particular paper namely Judicial Process. With regard to cancellation of other examinations are concerned, it is contrary to the show cause notice and the enquiry. Therefore, the said cancellation is quashed.

7. Taking into consideration the student's future, the respondent is at liberty to issue warning with regard to the other papers instead of cancelling them, as cancellation was done already for one paper.

8. In view of that except the Judicial Process paper, results for the other papers are directed to be published by the University on or before 10.11.2017, so that the petitioner would be in a position to know the results and would be able to write the supplementary examination, in case, if he had failed in other papers.

With the above observations, this Writ Petition is disposed. Consequently, connected miscellaneous petition is closed. No costs.

Post the matter for compliance on 13.11.2017.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

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Sub Assistant Registrar

sai

To

1.The Registrar,
Tamil Nadu Dr.Ambedkar Law University,
M.G.R.Salai, Near MRTS Railway Station,
Perungudi, Chennai - 600 096.

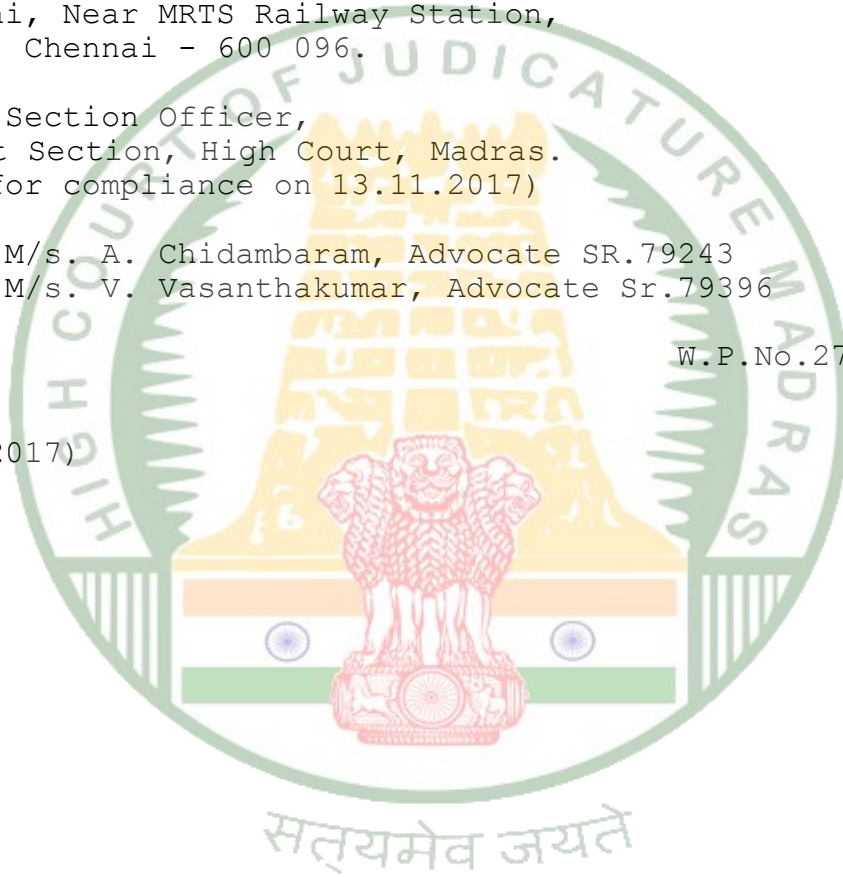
2.The Controller of Examinations,
The Tamil Nadu Dr. Ambedkar Law University,
M.G.R.Salai, Near MRTS Railway Station,
Perungudi, Chennai - 600 096.

Copy: The Section Officer,
Writ Section, High Court, Madras.
(Posting for compliance on 13.11.2017)

+ 1 cc to M/s. A. Chidambaram, Advocate SR.79243
+ 1 cc to M/s. V. Vasanthakumar, Advocate Sr.79396

W.P.No.27829 of 2017

(CO)CP
EU(10/11/2017)



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