

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.18702 of 2017

Dr.K.S.Arun Prakash

..Petitioner

Vs.

1. The Controller of Examination
Pondicherry University
Kalapet, Puducherry - 605 014.

2. The Registrar
Pondicherry University
Puducherry.

..Respondents

(* R2 impleaded as per order of this Court dated 28.08.2017
in WMP.No.23005 of 2017 in WP.No.18702 of 2017)

Prayer :

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the Pondicherry University to get the petitioner four theory papers relating to MD (Forensic Medicine) evaluated by examiners of Tamil Nadu Dr.MGR Medical University, Chennai; direct the Pondicherry University to release the results based on the marks awarded by the examiners of Tamil Nadu Dr.MGR Medical University and also direct the Puducherry University to allow him to take photo copies of his answer sheets.

For Petitioner : Mr.P.V.S.Giridhar
for Mr.G.Mohana Krishnan
For Respondents : Mr.Stalin Abhimanyu
standing counsel

ORDER

Though this writ petition is filed seeking for the relief of mandamus, directing the Pondicherry University to get the evaluated four theory papers of the petitioner relating to MD (Forensic Medicine Course) by the examiners of the Tamil Nadu Dr.MGR Medical University, Chennai; to direct the Pondicherry University to release the marks awarded by the examiners of the Tamil Nadu Dr.MGR Medical University and to direct the Pondicherry University to allow the petitioner to take photo copies of his answer sheets, the learned counsel appearing for the petitioner submitted that the petitioner is confining the relief sought for in this writ petition only insofar as seeking to direct the Pondicherry University to allow the petitioner to take photo copies of his answer sheets alone, thereby leaving the other reliefs sought for in this writ petition to be agitated upon separately.

2. The grievance of the petitioner is that though he made an application dated 31.03.2017 under the RTI Act, seeking for inspection of

four theory answer books and for obtaining certified copies of the same, the respondents have not permitted the petitioner to take photo copies of the answer sheets, even though they have permitted the petitioner to inspect those documents. Therefore, it is contended by the learned counsel for the petitioner that the second limb of the information sought for by the petitioner under the RTI application, has not been met out by the respondent University.

3. On the other hand, the learned counsel appearing for the respondent University, opposing even the limited relief as sought for by the petitioner as stated supra, has submitted as follows:-

(a) The petitioner is not entitled to get the copies of the answer sheets, in view of the Resolution passed as early as on 22.09.2010 by the Academic Council.

(b) If the information sought for by the petitioner under the RTI application is not furnished to the petitioner, the petitioner has to only resort to the remedy available under the RTI Act by filing an appeal and not by way of the present writ petition.

(c) Thus, the present writ petition filed is only to circumvent the delay caused in preferring such appeal before the Appellate Authority under the RTI Act.

4. Heard both sides.

5. The prayer sought for in this writ petition is now confined by the learned counsel for the petitioner, as stated supra, only for furnishing the photo copies of the four answer sheets. It is not in dispute that the petitioner, by way of an application under RTI Act, dated 31.03.2017, made a request for inspecting those answer sheets and also for furnishing the certified copies of the same. It is seen that the petitioner was permitted to inspect those documents and however, admittedly, the petitioner was not furnished with the certified copies of the same. This Court, at this stage, is not expressing any view with regard to right of the petitioner to take photo copies of those documents under the RTI Act, as it is for the respondent University to consider and inform the petitioner, in writing, as to whether such information sought for by the petitioner can be furnished or not under the RTI Act. Admittedly, in this case, no

such communication has been issued to the petitioner except a communication dated 15.05.2017, wherein, the petitioner was only called upon to inspect those documents. Therefore, it is for the respondent University to inform the petitioner in writing with regard to his request for furnishing the photo copies of those documents under the RTI Act. Needless to say, based on such communication, it is for the petitioner to work out his further remedy as provided under the RTI Act.

6. Accordingly, this writ petition is disposed of, by directing the respondent University to send a communication to the petitioner on his RTI application dated 31.03.2017, seeking for furnishing the certified copies of the four answer sheets, within a period of two weeks from the date of receipt of a copy of this order. No costs.

सत्यमेव जयते

28.08.2017
(2/2)

Speaking/Non-speaking order
Index : Yes/No

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K.RAVICHANDRABAABU,J.

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To

1. The Controller of Examination
Pondicherry University
Kalapet, Puducherry - 605 014.
2. The Registrar
Pondicherry University
Puducherry.



W.P. No.18702 of 2017

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