

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14707 of 2004

W.P.M.P. Nos.17438 and 17439 of 2004

C.Y.Vijayarajan

... Petitioner

Vs.

1. The Registrar,
Bharathidasan University,
Palkalaiperur,
Tiruchirappalli 620 024.

2. The Controller of Examinations,
Bharathidasan University,
Palkalaiperur,
Tiruchirappalli 620 024.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the 2nd respondent passed in his proceedings Ref.No.Engg/November 2003 Exams./ Eng.Com./Dated 14.05.2004 and quash the same.

For Petitioner : No Appearance
For Respondents : Mr.V.Govardhanan
for Ms. Row and Reddy

सत्यमेव जयते
O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari to call for the records of the 2nd respondent passed in his proceedings Ref.No.Engg/November 2003 Exams./Eng.Com./Dated 14.05.2004 and quash the same.

2. There is no representation for the petitioner. Heard the learned counsel appearing for the respondents.

3. The brief facts of the case are as follows:

The petitioner filed a Writ of Certiorari challenging the second respondent's order dated 14.05.2004, wherein the petitioner was debarred for the period of five years from

April, 2004 to November, 2008 from writing examinations, due to Malpractices during the Engineering examination held in November, 2003.

4. There is no need to go into the facts of the case, since the very same aspects have already been discussed by the Division Bench of Madurai Bench of Madras High Court reported in 2006-2-Law Weekly 690, in the case of The Controller of Examinations, Bharathidasan University, Tiruchirappalli and other Vs. B.Vignesh the relevant portions of which are extracted hereunder:

"18. As rightly pointed out, we are satisfied that the candidates were given adequate opportunity to put-forth their standard in fact, all the candidates appeared along with original mark statements and submitted their defence. Some of them admitted their guilt and some of them pleaded innocence. We are satisfied that the University was justified in drawing the inference of complicity of the writ petitioners in tampering the records in their favour and the learned Single Judge has committed an error in holding that "malpractice by way of inference cannot be accepted". As stated earlier, the learned Single Judge was failed to note that the concerned students were given opportunity to defend themselves and the order was passed after due hearing. They were confronted with the material documents. Which they did not dispute and the discrepancies found out by the University. In those circumstances, the learned Judge erred in holding that the decision was by proxy.

19. Further, as rightly pointed out, the learned Judge mainly relied on the decision reported in 1992 Writ L.R.52, which has since been over ruled by the Supreme Court in the decision reported in 1993 Supp(3) SCC 82. We are satisfied that on coming to the malpractices, the University appointed an Enquiry Committee and only after giving an opportunity of hearing to all the concerned individuals, taken a decision, which has been accepted by the Syndicate. In such circumstances, as observed by the Supreme Court, the learned Single Judge ought not to have lightly interfered with the decision of

the University in debarring the candidates.
When in fact, the original debarment of five
years was reduced to one year."

5. In view of the decision rendered by the Division Bench of this Court, I am not inclined to interfere with the impugned Order passed by the second respondent, as the debarring order was passed in the year, 2004 and after a lapse of nearly 14 years, I do not think it survives. Hence, there is no need to pass any orders in the present writ petition.

6. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are also closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

msvm

To

1. The Registrar,
Bharathidasan University,
Palkalaiperur,
Tiruchirappalli 620 024.
2. The Controller of Examinations,
Bharathidasan University,
Palkalaiperur,
Tiruchirappalli 620 024.

+1 CC to Ms. Row and Reddy, Advocate sr 50036.

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SP(16/08/2017)