

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition No.9290 of 2018
and W.M.P.Nos.11104 & 11105 of 2018

1. M.Dhanaseelan
2. K.Kirubakaran

... Petitioners

Vs.

1. Anna University,
Represented by its Registrar,
Guindy, Chennai - 600 025.
2. The Director,
Centre for Academic Courses,
Anna University,
Guindy, Chennai - 600 025.
3. Nehru Institute of Information
Technology and Management,
Thirumalaiyampallyam,
Coimbatore - 641 105.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the 1 and 2 respondents herein to rectify the discrepancies/inconsistencies in the Post Graduate Regulations 2017 as pointed out in the representation dated 05.04.2018.

For Petitioners : Mr.Doraisami, Senior Counsel
for M/s.Muthumani Doraisami

For 1st & 2nd Respondents: Mr.M.Vijayakumar

For 3rd Respondent : Mr.V.Vijaya Rajan

O R D E R

This Writ Petition has been filed for the issuance of a Writ of Mandamus seeking a direction to the 1st and 2nd respondents herein to rectify the discrepancies/ inconsistencies in the Post Graduate Regulations, 2017, as pointed out in the representation dated 05.04.2018.

2. The only grievance of the petitioners herein is with regard to Clause 14.2 of the Regulations. According to the Petitioners, even though a detailed representation has been made, unless Clause 5.1 of the Regulations is clarified, they will be put to great hardship.

3. Learned counsel for the Petitioners submitted that the Petitioners have failed to secure pass marks and hence, pleaded that they may be permitted to take-up the examination/arrears examination irrespective of the number of candidates, who have failed in that particular semester/year. According to the learned counsel for the Petitioner, no re-examination would be permitted unless a minimum of five students register for the Course and that it would create anomaly and such Clause would affect the future of the students.

4. In reply, Mr.M.Vijayakumar, learned counsel appearing for the Anna University, by filing counter affidavit, contended that there is no anomaly in the Regulations 2017, and according to him, the grievance of the petitioners would be redressed even without considering their representation.

5. With reference to clause 14.2 of the Anna University Regulations, 2017, learned counsel appearing for the Anna University further submitted that if a candidate fails in a theory course, he shall re-appear in the failed subjects, when the same subjects are offered next. According to the learned counsel, as and when examinations are conducted, the student can appear in the odd semester, irrespective of the number of candidates who failed and there is no requirement that it should be minimum of 5 students and similarly, if a candidate appears in even semester, the examination will be taken up only for the even semester and that the student will be permitted to take up the examination along with other regular students.

6. In the counter affidavit, the 1st Respondent/Anna University has given comments to the various discrepancies/ inconsistencies raised by the petitioners, and the same reads as under:

(a) When the course for which a student shall do reappearance registration is offered as part of the

Curriculum or the Institute is willing to offer the course for which at least 5 students regular in case for that course.

(b) The credit range for MBA will be amended after approval in forthcoming Academic Council meeting.

(c) The vide clause 6.5 referred in clause 5.1 will be amended to be read as 5.2.

(d) The vide clause 4.4 referred in clause 10.1 will be amended to be read as 4.3.

(e) Reappearance registration shall be allowed along with regular students only.

(f) (i) Clause 6.3 refers to the project work for the candidates who fail to submit the project report on or before the specified deadline and for the candidate those who are allowed to resubmit the project report only if the candidate fails in the End Semester Examinations.

(ii) Clause 14.5 refers to the candidate who fails to secure a pass in project work.

(g) The student, who has failed in a Professional Elective or an Open Elective, has to register for reappearance for the same course, earn continuous assessment marks and attend the End Semester Examination or register for any other Professional Elective or open Elective course in the subsequent semester, attend the classes and fulfill the attendance requirements.

(h) If a student fails in a professional core course, the student is not deprived of undergoing that course as reappearance during his/her ensuing semesters.

(i) The Maximum period for completion of the M.B.A. programme is 4 years.

(j) For any PG programme of 2 years, the maximum period for completion is 4 years only. The student is expected the minimum credit requirement during that period.

7. For better understanding, Clause 1(iii), 5.1 and 14.2 of the Anna University Regulations, 2017 and the definition of "Course" are extracted below:-

1 (iii) "Course" means Theory or Practical subject that is normally studied in a semester, like Applied Mathematics, Advanced Thermodynamics, etc.

5.1. The Institution is responsible for registering the courses that each student is proposing to undergo in the ensuing semester. Each student has to register for all courses to be

undergone in the curriculum of a particular semester (with the facility to drop courses to a maximum of 6 credits (vide clause 6.5)). The student can also register for courses for which the student has failed in the earlier semesters. In such cases the student shall do reappear registration for those courses for which the attendance requirement is not compulsory. However, the student have the option to take up some other professional elective or open elective that he has failed to pass. But, the total number of credits that a student is allowed to register per semester cannot exceed 36. The registration details of the candidates may be approved by the Head of the Institution and forwarded to the Controller of Examinations. This registration is for undergoing the course as well as for writing the End Semester Examinations. No course shall be offered by any department of any institution unless a minimum 5 students register for the course.

14.2. If a student fails to secure a pass in a theory course (except electives), the student shall do reappear registration for that course in the subsequent semester, when offered next earn continuous assessment marks and attend the end semester examination."

8. Heard the learned counsel appearing for the parties and perused the materials available on record.

9. A reading of Clause 5.1 of the Anna University Regulations, 2017 makes it clear that the student will have to register for all courses, for which minimum number of students required is 5. It is stated that the student can also register for courses for which the student has failed in the earlier semesters. In such cases, the student shall register his re-appearance for those courses, for which, attendance is not compulsory. It is nowhere stated that the Petitioners would be prevented from taking up examinations. Even though it has been stated that the Petitioners would take up examinations as and when the other students appears for the examinations, it would mean that the Petitioners will take up the arrear examinations in the failed subjects, either in the odd-semester or in the even-semester, as the case may be.

10. The contention of the Petitioners that the students, who failed in odd semester subjects shall be permitted to take up another examination during the examinations scheduled for even semesters would amount to the Court imposing conditions, which are not contemplated in the Regulations.

11. From a reading of the entire provisions extracted supra, it is very clear that "Course" means the subject that is going to be taught, for which the minimum number of students of five is required and not for taking up of examination.

12. If the contention of the Petitioners is accepted, the Petitioner may be permitted to take up the examinations either in the odd-semester or in the even-semester and that would mean setting up of separate question papers for the students taking up their arrear examinations. Since, the conduct of arrear examinations once in six months had been dispensed with and the student is permitted to take up the examinations in the odd/even semester, depending upon the arrear papers, this Court makes it clear that the Petitioner are not prevented from taking up odd-semester examination, whenever odd-semester examinations are conducted. Similarly, whenever a student fails in even-semester subjects, the student will be permitted to take up the examination, whenever even-semester examinations are scheduled. It has to be ensured that the Petitioners herein appear for examinations along with the Regular students.

With the above direction(s) and observation(s), this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

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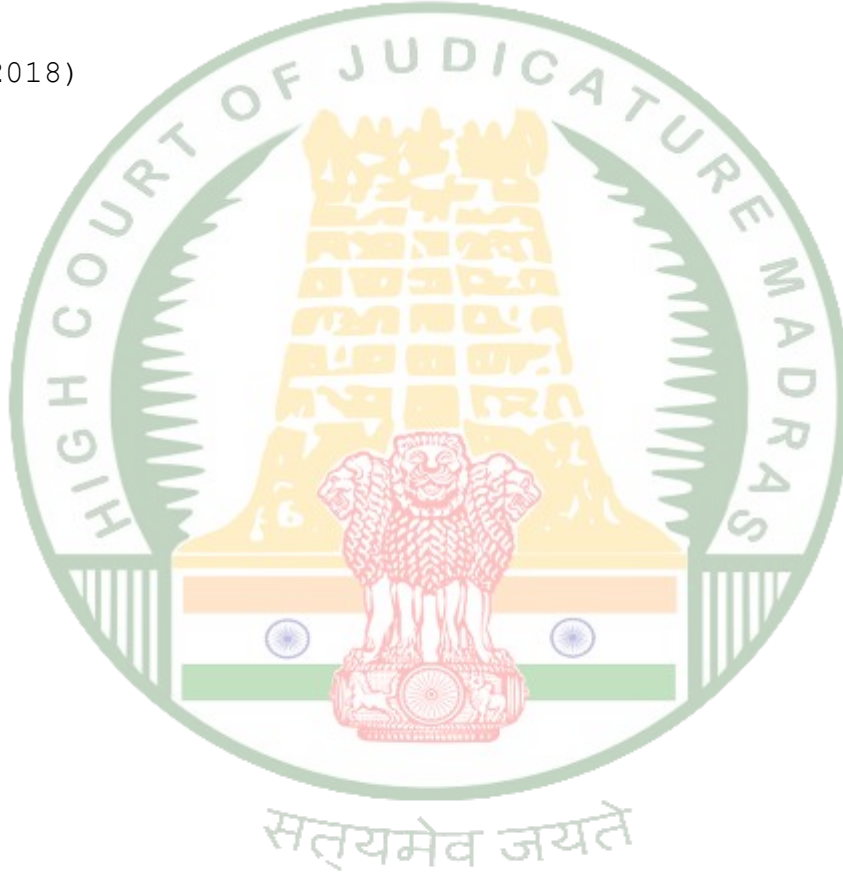
To

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+1 CC to Mr.M. Vijayakumar, advocate sr 31865.
+1 CC to Mr. Muthumani Doraisamy, Advocate sr 31137.

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GMR (CO)
SP (10/05/2018)



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