

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.10031 of 2018
and
W.M.P.No.11989 of 2018

Ms.Bhavna.V,
D/o.Shri.K.Vijay Kumar Baid,
IIIrd year B.Arch,
MEASI ACADEMY OF ARCHITECTURE,
Peters Road,
Royapettah,
Chennai - 600 014. Petitioner

-Vs-

1.The Registrar,
Anna University,
Chennai - 600 025.
2.Controller of Examinations,
Anna University,
Chennai - 600 025. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to have the answer scripts of the petitioner pertaining to a) Design of Structures II (AR 6501), b) Theory of Design (AR 6003), c) History of Architecture and Culture VI (AR 6502) pertaining to the 5th semester bearing Registration No.311315251030 corrected by an impartial and neutral Expert Examiner from any reputed Private University, like SRM University, Hindustan University, MGR University in the presence of the Petitioner's College Faculty and marks allotted to the petitioner.

For Petitioner : M/s.K.Sridhar
For Respondents : Mr.L.P.Shanmuga Sundaram

O R D E R

The relief sought for in the present Writ Petition is for directing the respondents to have the answer scripts of the petitioner pertaining to,

(a) Design of Structures II (AR 6501)
(b) Theory of Design (AR 6003)
(c) History of Architecture and Culture VI (AR 6502)
pertaining to the fifth semester bearing Registration No.311315251030 corrected by an impartial and neutral expert examiner from any reputed private university like SRM University, Hindustan University, MGR University in the presence of the petitioner's college faculty and marks allotted to the petitioner.

2. The Writ Petitioner joined the Bachelor of Architecture course in MEASI ACADEMY OF ARCHITECTURE, No.47, North Mada Street, Mylapore, Chennai - 600 004 during the academic year 2015. The seat was allotted in an open competition through merit. She had completed five semesters and presently studying sixth semester.

3. The grievances of the Writ Petitioner is that on account of the large scale irregularities and illegalities took place in respect of evaluation of answer papers, the petitioner got affected and she could not able to get the marks in respect of the above papers stated.

4. The learned Counsel appearing on behalf of the Writ Petitioner states that, the Writ Petitioner is a bright student and performed well in all her examinations. Whenever she applied for revaluation of her answer sheets, no revaluation was done and zero marks were awarded in respect of certain questions and the same was published. Thus, the right of the Writ Petitioner to conduct the revaluation as per the procedures contemplated are violated.

5. The learned Counsel for the Writ Petitioner brought to the notice of this Court that large scale malpractices, illegalities and corrupt practices were found in respect of evaluation of papers and revaluation of answer sheets in the university. In this regard, a criminal case was also registered by the Department of Vigilance and Anti-Corruption. Thus, the Writ Petitioner has got every reason to believe that her papers were evaluated not in accordance with the procedures contemplated and by an unbiased professor.

6. The Registrar of Anna University Professor Dr.J.Kumar, is present before this Court and assisted the Standing counsel appearing on behalf of the respondents. The Registrar submitted a report in respect of the actions taken against all such irregularities. The report admits that near about 1070 faculty members who awarded illogical marks had been debarred from one to three years according to the decree of irregularities committed by them. Enquiry Committee was also found that there was an involvement of the then Controller of Examination

Dr.G.V.Uma and other faculty members in the irregularities.

Terms of Punishment	No of faculty members	Range of difference of Marks
One year	433	21 - 30
Two years	364	31 - 40
Three years	273	More than 40

7. It is stated that the Director of Vigilance and Anti-Corruption also assessed all the matter under its purview and FIR against the Controller of Examination Dr.G.V.Uma and other faculty members under various sections of the India Penal Code was registered. The investigations are in progress. This apart, the departmental disciplinary proceedings were also initiated and some of the officials and staff members were placed under suspension and the disciplinary proceedings are pending for enquiry.

8. The learned Counsel for the respondents made a submission that the investigation and the departmental disciplinary proceedings initiated against all the offenders are in progress and the University will process the proceedings at the earliest possible and do the needful in order to correct all such defective procedures.

9. It is further brought to the notice of this Court that the revised revaluation process and procedures are being adopted by the University in order to maintain a Full Proof System and to avoid any further corrupt activities or such irregularities. Accordingly, the University has taken steps to ensure that the valuation of the answer sheets are done properly and in a full proof manner so as to avoid all such irregularities and illegalities.

10. However, in respect of the Writ Petitioner, this Court is of an opinion that, she suffered on account of the procedures violated in respect of the revaluation of her answer sheets more specifically, in fifth semester. Therefore, the grievances of the Writ Petitioner is to be redressed. Admittedly, at the time of revaluation conducted in respect of the answer sheets of the Writ Petitioner, several misappropriation were found and actions were initiated. Under these circumstances, this Court is of an opinion that the young minds should not be allowed to go with frustration. The young persons like the writ petitioner cannot complete the course with the grievance that her answer sheets were not evaluated properly. This Court has to ensure that such young minds get proper justice and they should complete their course with a satisfaction that the marks were awarded by an impartial professor in an impartial manner. With a view to give the fullest satisfaction to the Writ Petitioner in respect of the answer sheets with relevant to the fifth semester. This

Court has to consider the case of the Writ Petitioner and accordingly following orders are passed.

(1) The respondents are directed to conduct the revaluation of the answer sheets of the Writ Petitioner in respect of the subjects mentioned below:-

(a) Design of Structures II (AR 6501)

(b) Theory of Design (AR 6003)

(c) History of Architecture and Culture VI (AR 6502) and accordingly declare the marks and issue the mark sheets within a period of two weeks from the date of receipt of a copy of this order.

ii) The respondents are directed to ensure that the revaluation of the papers are done by an impartial Professor who is an expert in the subject, so as to ensure that the Writ Petitioner gets justice in respect of the answers written by her in the answer sheets.

12. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected Miscellaneous petition is closed.

-s/d-

Assistant Registrar(CS-IX)

True Copy

Sub-Assistant Registrar

arb/pkn
To

1.The Registrar,
Anna University,
Chennai - 600 025.

2.Controller of Examinations,
Anna University,
Chennai - 600 025.

+1 CC to Mr.K. Sridhar, Advocate sr 73139.

+1 CC to Mr.L.P.Shanmuga Sundaram, Advocate sr 74276.

+1 CC to Mr.K. Sridhar Associates sr 73965.

W.P.No.10031 of 2018

VGI(CO)
SP(16/11/2018)