

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A.No.608 of 2015

S.Felix

...Appellant

Vs

- 1.The Controller of Examination
The Tamil Nadu Dr.Ambedkar Law University
Chennai 600 028.
- 2.The Registrar
The Tamil Nau Dr.Ambedkar Law University
Chennai 600 028.
- 3.The Controller of Examination
University of Madras, Chennai 600 005.
- 4.The Registrar
University of Madras, Chennai 600 005.

....Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letter Patent Act, to set aside the order passed in W.P.No.19864 of 2013 dated 28.04.2014.

W.P.No.19864 of 2013:

Directing the respondents to permit the petitioner to appear in the exams to be conducted by the respondents 1 & 2 to complete the petitioners law degree course.

For Appellant : Ms.S.Rajeni Ramadass
For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J.)

The appellant joined the Dr.Ambedkar Government Law College, Chennai in 1993 and completed the course in 1998. The College was then affiliated to Madras University. The appellant failed to appear for the examination as per schedule. The appellant appears to have cleared 20 subjects in the past 20 years. He is yet to pass in 12 papers. The appellant, therefore, submitted a

representation before the University to permit him to complete the examination. Since the representation was not considered by the University, the appellant filed a writ petition in W.P.No.19864 of 2013. The learned Single Judge while directing the University to consider the representation on merits, made an observation that the writ petition of this nature is not maintainable. The observation made by the learned Single Judge made the appellant to file this intra court appeal.

2. The learned counsel for the appellant contended that on account of various factors including the sudden death of his father, the appellant failed to take the examination and complete the course within the original schedule. According to the learned counsel, there was no outer time limit for taking the examination after completing the course. The learned Single Judge, therefore, ought to have directed the University to permit the appellant to appear for the examination and to complete the course.

3. The learned Standing Counsel for Dr.Ambedkar Law University, by producing a copy of the University Grants Commission Guidelines on Determination of a Uniform Span Period within which a student may be allowed to qualify for a Degree and the resolution passed by the Syndicate of Dr.Ambedkar Law University, at its meeting held on 20 November, 2013 submitted that the University has fixed outer time limit for clearing the arrears. According to the learned counsel, the maximum period is two years and with a grace period of one more year. In any case, according to the learned counsel, there is a clear outer time limit of three years, which includes the original time and the grace time and as such, it is not possible to permit the appellant to appear for the examination.

4. The appellant completed his course in 1998. The appellant passed 20 subjects in a span of 20 years. He is yet to pass in 12 papers. The University Grants Commission formulated guidelines with respect to the completion of the course. The Commission was of the view that there should be an outer time limit fixed for taking the examination. According to the University Grants Commission, in the normal case, the students would take the examination immediately after the completion of the course. The University Grants Commission recommended extension of one year in exceptional cases, so as to enable the students to complete the course. Dr.Ambedkar Government Law College is presently affiliated with Dr.Ambedkar Law University. The 129th Syndicate Meeting of the University was held on 20 November, 2013. The University in the said meeting resolved to permit the students to take the examination by granting three years time after the academic period. There is no challenge to the regulation made by the University pursuant to the decision taken by the Syndicate. In any case,

this Court would not be justified in directing the University to permit the appellant to take the examination after a period of 20 years.

We therefore, dismiss the intra court appeal. No costs.

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

gms

To

1.The Controller of Examination
The Tamil Nadu Dr.Ambedkar Law University
Chennai 600 028.

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The Tamil Nau Dr.Ambedkar Law University
Chennai 600 028.

3.The Controller of Examination
University of Madras, Chennai 600 005.

4.The Registrar
University of Madras, Chennai 600 005.

+2 Ccs to Mr.L.P. Shanmuga Sundaram, Advocate sr 10685.

+1 CC to Mr.S. Rajeni Ramadoss, advocate sr 9600.

सत्यमेव जयते

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SVI (CO)
SP(07/03/2018)

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