

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.No. 22353 of 2018

and

W.M.P.No. 26196 of 2018

A. Priya

... Petitioner

Vs.

1. State of Tamil Nadu
Rep. by the Registrar
University of Madras
Centenary Building
Chepauk,
Chennai - 600 005.
2. The Controller of Examinations
University of Madras
Centenary Building
Chepauk
Chennai - 600 05.
3. The Principal
S.R.M. Arts and Science College
Kattankulathur
Chennai - 603 203.
4. The Principal
S.I.V.E.T College
Velacherry Main Road
Gowrivakkam,
Tambaram,
Chennai - 600 073.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 and 2 to declared the petitioner as pass for the B.C.A. Degree course during April 2016 and thereby issue provisional and degree certificates and also direct the respondents 1 to 3 to permit the petitioner to complete the M.C.A degree course for the academic year 2018-2019 and thereby to issue M.C.A. Degree course subject to pass in the papers prescribed for the course.

For Petitioner : Mr. R.Malaichamy
For RR 1 & 2 : Mr. P.Raja
Government Advocate
For R3 : Mr.A.Thayaparan
for Mr.L.P.Shanmugasundaram
Special Government Pleader

ORDER

Seeking a direction to the respondents 1 and 2 to declare the petitioner as pass for the B.C.A. Degree course during April 2016 and thereby issue provisional and degree certificates and also direct the respondents 1 to 3 to permit the petitioner to complete the M.C.A degree course for the academic year 2018-2019 and thereby to issue M.C.A. Degree course subject to pass in the papers prescribed for the course, the present Writ Petition came to be filed.

2. The petitioner states that she joined Diploma in Computer Engineering at I.R.T Polytechnic College for the academic year 2011-2012 and completed three year course during April 2014. After completion of Diploma course, she joined second year by way of lateral entry in B.C.A degree course in the fourth respondent college for the academic year 2014-2015. She further states that she completed all the papers prescribed for the third to sixth semesters in the fourth respondent college and completed BCA degree course. It is also stated by the petitioner that it is admitted by the fourth respondent in the remarks made in the transfer certificate issued by them on 29.06.2016 that the petitioner has completed the BCA course.

3. It is the case of petitioner that though the petitioner completed the degree course successfully, the provisional degree certificate for BCA course was not given as the petitioner has to clear two subjects, Tamil papers I and II prescribed for the first semester and second semester of BCA degree course.

4. The further case of the petitioner is that she came to know about the requirement of clearing Tamil papers I and II later. However after knowing that she has to clear the two subjects and she appeared during November 2017 and cleared Tamil papers I and II. Thereafter, the first respondent issued provisional certificate dated 11.04.2018 to the petitioner for BCA degree course. It is the specific case of the petitioner that she got admission for MCA Course 2016 without provisional certificate for BCA degree course. Since the provisional certificate from the

petitioner was issued only on 11.04.2018, it appears that the third respondent college requested the petitioner not to join the college until getting permission from the first respondent. Since the petitioner by then was doing her fifth semester of MCA, out of fear that she could not continue the PG Course, the present Writ Petition has been filed by the petitioner for issuing the Writ of Mandamus directing the respondents 1 and 2 to declare the petitioners pass in BCA degree course during April 2016 and consequently to issue provisional and degree certificates and further to direct the respondents 1 to 3 to permit the petitioner to complete the MCA degree course for the academic year 2018-2019.

5. The prayer in the Writ Petition cannot be granted having regard to the admitted facts in this case. Though the petitioner states that she completed the degree course earlier, she admits that she came to know that she has to clear two papers, namely, Tamil papers I and II.

6. It is also admitted that the petitioner immediately took the examinations and completed the course after getting pass in the two papers. It was only after completing the two subjects, the petitioner was given provisional certificate on 11.04.2018. The petitioner's admission to MCA course before completion of BCA degree course is illegal and cannot be permitted in any circumstances.

7. Having completed degree course only in the year 2018, her admission to MCA course in 2016 is contrary to regulations. No student can be admitted to a P.G. Course without a basic degree. The interim order directing the respondent to receive the exam fees without hearing the respondents has no legal consequences and the petitioner cannot take advantage of it. The Writ Petition has no merits.

8. Accordingly, the Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (Co)

//True Copy//

Sub Assistant Registrar

vsg

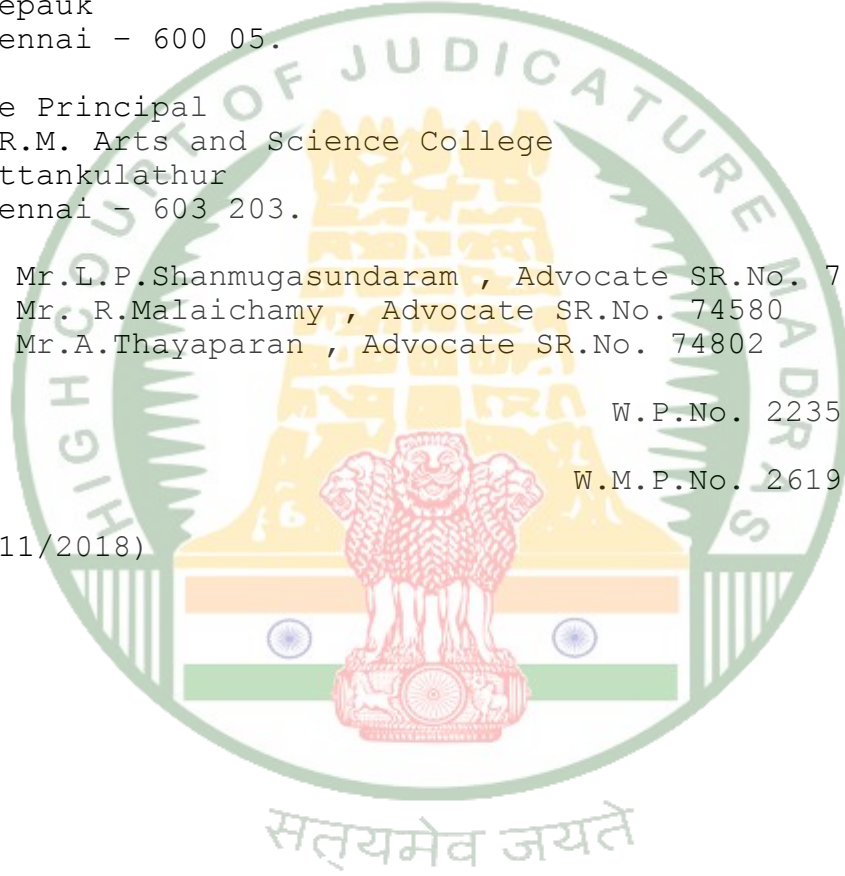
To

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Chennai - 603 203.

+1cc to Mr.L.P.Shanmugasundaram , Advocate SR.No. 75043
+1cc to Mr. R.Malaichamy , Advocate SR.No. 74580
+1cc to Mr.A.Thayaparan , Advocate SR.No. 74802

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ASK(26/11/2018)



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