

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.16803 of 2018

S.Swetha Priyadharshini

... Petitioner

Vs.

1. Anna University,
Rep. by its Registrar,
Guindy, Chennai-600 025.

2. The Office of the Controller of Examinations,
Anna University,
Sardar Patel Road,
Guindy, Chennai-600 025.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to re-value all the 7 papers of the petitioner S.Swetha Priyadharshini (Register No.113211107095) whose subject codes are E12202, E12301, E12311, E12353, E12402, MA2111, MA2211.

For petitioner : Mr.S.Krishnaa

For respondents : Mr.L.P.Shanmugasundaram

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to re-value all the 7 papers of the petitioner S.Swetha Priyadharshini (Register No.113211107095) whose subject codes are E12202, E12301, E12311, E12353, E12402, MA2111, MA2211.

2. According to the petitioner, out of 31 papers, the petitioner has cleared 24 papers and that she has not cleared 7 papers. The petitioner has stated in the affidavit that when the request for revaluation of papers was sought for before the respondents to permit the revaluation of five papers of a single occasion and that two papers were not considered and that taking note of the last attempt of the seven years, the papers can be permitted to re-valuated.

3. The respondents have filed counter affidavit wherein it is stated that according to Regulation 14.2 of the Regulations 2008 of the Anna University, a candidate can apply for revaluation of answer script not exceeding 5 subjects at a time. The said Regulations has been finalised by the University after detailed deliberations and consideration of various issues. It has been decided that the Regulation cannot be relaxed and if the relaxation is done, it would have a greater impact, in view of the decision of the Supreme Court reported in 2009 (11) SCC 726 (All India Council for Technical Education Vs. Surinder Kumar Dhavan and others), in which the Apex Court held as follows:

"16. The Courts are neither equipped nor have the academic or technical background to substitute themselves in place of statutory professional technical bodies and take decisions in academic matters involving standards and quality of technical education. If the courts start entertaining petitions from individual institutions or students to permit courses of their choice, either for their convenience or to alleviate hardship or to provide better opportunities, or because they think that one course is equal to another, without realising the repercussions on the field of technical education in general, it will lead to chaos in education and deterioration in standards of education.

17. The role of statutory expert bodies on education and the role of Courts are well defined by a simple rule. If it is a question of educational policy or an issue involving academic matter, the Courts keep their hands off. "

4. Heard both sides and perused the materials available on record.

5. It is not in dispute that the petitioner who is an Engineering aspirant, N and who wants to become an Engineer, appeared for 31 papers in 2018 and cleared 24, but failed in seven papers. The petitioner needs to clear all the papers within the stipulated period of seven years and in the last attempt, the petitioner appeared for all the 31 papers, but failed in seven. The said Regulations of the Anna University is very clear that the candidate/student can apply for revaluation of answer scripts for not exceeding five subjects at a time. But however, the respondents have not accepted to re-value two

papers, which is contrary to the said Regulations. In terms of the Regulations and in view of the said decision of the Supreme Court reported in 2009 (11) SCC 726 (cited supra), this Court is of the view that the answer scripts of the petitioner for two papers, cannot be directed to be re-validated and it runs counter to the said decision of the Supreme Court and the said Regulations and that the Court cannot sit in appeal over the administrative decisions of the University and give a direction and if this kind of contention is accepted, then tomorrow, the student who has failed in 31 papers, pleads that all the 31 papers have got to be re-validated. Be it one extra paper or 26 extra subjects, and if a candidate has failed in one subject or 31 papers, and when the said Regulations clearly stipulates that re-valuation is permitting only for five subjects at a time and if the contention of the petitioner is accepted, then it would amount to giving a premium to the failed students and opening the Pandora's Box.

6. With the above observations, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

CS
To

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

2. The Office of the Controller of Examinations,
Anna University,
Sardar Patel Road,
Guindy, Chennai-600 025.

+1cc to the Government Pleader Sr.44916
+1cc to Mr.L.P.Shanmugasundaram, Advocate Sr.44983
+1cc to Mr.S.Krishna, Advocate Sr.45282

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