

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.18151 of 2018

and

W.M.P.Nos.21443 to 21445 of 2018

1. Tapasi Mohato
 2. Bhagyasree Chatterjee
 3. Priyanka Dey
 4. Amit Kumar Mukhopadhyay
 5. Buddhadev Acharjee
 6. Rejena Rai
 7. Tenzing Chokey Bhutia
- ... Petitioners

Vs.

1. The Controller of Examinations,
Periyar University,
Salem-636 011.
 2. The Registrar,
Periyar University Pride,
Salem-636 011.
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records of the notification dated 27.06.2018 of the first respondent/University for the July 2018 examinations and quash the same.

For petitioners : Mr.V.Bhiman
For respondents : M/s.H.Marry Sowmi Rexi
for M/s.Issac Chambers

ORDER

The petitioner has come forward with the above Writ Petition praying for issuance of a Writ of Certiorari to call for the records of the notification dated 27.06.2018 of the first respondent/University for the July 2018 examinations and quash the same.

2. Upon hearing the learned counsel for both sides, it is to be noted that for the academic year 2015-2016 alone, the

students would be permitted to take up the examination in a different Centre other than Tamil Nadu and the students who have joined after the academic year 2016-2017, will not be permitted to take up the examination in the other Centres. The petitioner is aware of these facts. When the same thing happened in December 2017 examination, the University has decided to conduct the examination in Tamil Nadu only and Writ Petitions were filed for quashing the order and even before the examination was conducted, the Writ Petitions were stated to have been disposed of on in W.P.Nos.33687 to 33693 of 2017.

3. The contention that the examination may be postponed and the students will have to take the tickets in Railway to come and write the examination in the Tamil Nadu Centres, cannot be accepted, as the petitioners were aware of these facts a year ago and the relief to postpone the examination, cannot be accepted.

4. In similar circumstances, this Court in W.P.No.9000 of 2018, by order dated 25.06.2018 and W.P.(MD).No.2829 of 2017 (Madurai Bench), dated 04.04.2017, observed as follows:

W.P.No.9000 of 2018:

"15. Accordingly, the Writ Petition is dismissed. If any other students have taken the Course and admitted in the Course(s), it is open for those students to claim compensation from the respondent-University and merely because the results have been wrongly declared to 92 students and that steps are being taken to cancel the results, would make it clear that the students who have joined the petitioner-Study Centre from the year 2016-2017, the petitioner-Study Centre will not be entitled to the relief and by way of abundant caution, if the results were declared for those students, it may not have any effect of holding a Degree and that Degree has no validity in the eye of law and that those students need to write the Examination again at the Centre prescribed within the State of Tamil Nadu. The statement of marks showing that the students were absent in the Study Centre in the respective Centres, have got to be produced to those students to enable them to take up the Examination in the State of Tamil Nadu in the Centres situated in the State of Tamil Nadu."

W.P(MD).No.2829 of 2017:

13. In the above circumstances, the respondent University is directed to provide personal contract programme in the same learning Centre, namely Ravi Theja Educational and Environmental Development Society, Tumkur having learning Centre Code No.68 and allow the petitioners to write the examinations in the said Centre in the ensuing years till the completion of the studies of the petitioners herein. The respondent University shall take all necessary steps in that regard to enable the petitioners to undertake and complete the studies in the said centre as stated above. The respondent University is directed to initiate and complete the action as expeditiously as possible and notify the process of examinations and the centres. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

14. This Writ Petition is allowed to the extent as indicated above. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs."

5. In view of the above orders passed by this Court in the said two Writ Petitions, as extracted supra, the present Writ Petition is also disposed of in the same terms. No costs. Consequently, W.M.Ps. are closed.

Sd/-
Assistant Registrar (CS-IX)

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सत्यमेव जयते
Sub Assistant Registrar

CS

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To

1. The Controller of Examinations,
Periyar University,
Salem-636 011.

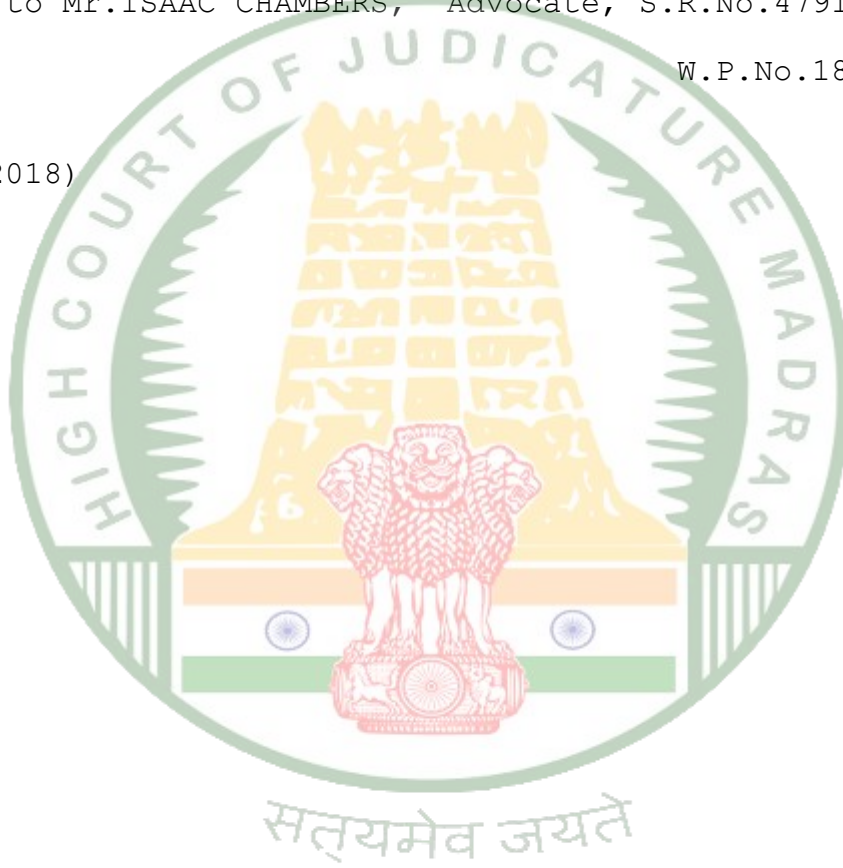
2. The Registrar,
Periyar University Pride,
Salem-636 011.

+7cc to Mr.V.BHIMAN, Advocate, S.R.No.47734

+1cc to Mr.ISAAC CHAMBERS, Advocate, S.R.No.47917

W.P.No.18151 of 2018

SSI (CO)
TR(02/08/2018)



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