

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.2320 of 2018
and
C.M.P.No.18472 of 2018

1. The Registrar
Anna University,
Guindy, Chennai.

2. The Controller of Examinations,
Anna University, Guindy, Chennai.

Appellants

Versus

1. Siddhartha.V

2. The Principal
Easwari Engineering College,
Bharathi Salai, Ramapuram,
Chennai.

Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 25.7.2018 passed in W.P.No.13735 of 2018 on the file of this court.

Prayer in WP No.13735/2018

Praying to issue a Writ of Certiorarified Mandamus to call for the records by quashing the impugned notice dated 13.3.2018 issued by the 1st respondent as null and void and consequently direct the 1st respondent to issue the petitioner the consolidated Mark Sheet and Degree Certificate with respect of the B.E. Degree (Computer Science and Engineering) bearing Register No.310613104501 having completed the same in the 3rd respondent College.

For appellant : Mr.L.P.Shanmugasundaram

For R1 : Mr.A.S.Balaji for
M/s.V.R.Mukundakumar

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and the learned counsel, who appears for the first respondent on caveat.

2. The writ appeal has been filed by the Anna University, challenging the order passed by the learned Single Judge in issuing a direction to the second respondent herein to issue the consolidated mark sheet of the 7th and 8th Semesters to the writ petitioner/first respondent herein alongwith his degree certificate, without insisting upon the completion of four additional courses.

3. It appears that the petitioner joined the B.E. (Computer Science and Engineering) course at Veltech Engineering College, Avadi during the academic year 2012-2013 which is covered under Regulations of the year 2008 and after completing the first year course, he sought for transfer of admission from the said college to the second respondent herein viz., Easwari Engineering College and having obtained No Objection Certificate from the Anna University, he got the transfer of admission and joined the second respondent College in the year 2013-2014. According to the petitioner, after clearing all the papers and completing all the Semesters and even after joining the employment, an order was passed by the University on 13.3.2018 directing him to undergo four additional courses as per the new Regulations of the year 2013.

4. The learned Single Judge, of course, having admitted the principle that the statutory Expert Body of Education can take a decision in academic matters and the court is not an Expert Body to decide the same, as laid down in the decision of the Apex Court in ALL INDIA COUNCIL FOR TECHNICAL EDUCATION v. SURINDER KUMAR DHAVAN AND OTHERS (2009 (11) SCC 726), held that the said decision cannot be applied to the facts of the case on hand. The learned Single further held that in the case on hand, for want of attendance, the writ petitioner was asked to undergo four additional courses, which does not mean that for one part of the course, Regulation 2008 applies and for another part of the Course, Regulation 2013 will apply. Finding that the writ petitioner is employed and his employment should not be affected by the impugned proceedings in any manner and since the writ petitioner had completed his studies, after clearing all the papers as per Regulation 2008 and obtained Conduct Certificate, directed the second respondent college to issue the consolidated mark sheet in respect of 7 and 8 semesters to the writ petitioner alongwith the degree certification without insisting upon the completion of four additional subjections, within a period of one month from the date of receipt of that order.

5. This order has been assailed by the University on the ground that the writ petitioner has joined another College after completing the first year course, by way of re-admission and therefore, it would be deemed as admission to the course under new Regulation 2013 and therefore, he has to complete the four additional subjects.

6. When the University has issued NOC to the writ petitioner for joining in another college viz., Easwari Engineering College and the student got admitted in the last batch as per the old Regulation 2008, his continuation of the course in the transferee college will only be as per the old regulation and not as per the new regulation. Once the University has issued NOC, for admission on transfer, there is no gainsay in asking the candidate to complete four additional courses under new Regulation. Therefore, we are unable to sustain the stand taken by the University, rather, we agree with the view taken by the learned Single Judge that a single Degree Course cannot be covered by two separate Regulations merely for the reason that the student sought for transfer of admission. We do not see any reason to interfere with the order passed by the learned Single Judge.

7. The writ appeal is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Registrar
Anna University,
Guindy, Chennai.
2. The Controller of Examinations,
Anna University, Guindy, Chennai.

+1cc to Mr.V.R.Mukundakumar, Advocate, S.R.No.74549
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.74055

W.A.No.2320 of 2018

NRI (CO)

rrs 03/12/2018