

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.21445 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking verbatim the following relief/s:

“... to issue an appropriate Writ or order or direction particularly one in the nature of Writ of Mandamus declaring the action of the Respondents more particularly the action of the 2nd and the 3rd respondent in not considering the representations dated: 05-05-2017 and 25-5-2017 to include the assignment marks in the result of 43 M.Sc Mathematics 2nd year students belongs to the petitioner's study centre, as arbitrary and unconstitutional and to pass such other order/s as this Hon'ble Court deems fit and proper in the circumstances of the case.”

Learned counsel for the petitioner submits as follows: -“The 2nd and 3rd respondents are not considering the representations, dated 05.05.2017 & 25.05.2017, of the petitioner college for inclusion of assignment marks in the results of 43 M.Sc Mathematics 2nd year students belonging to the petitioner study centre on the ground that the assignment marks are not communicated within the prescribed time limit though, in-fact, there is material to show that the same were communicated within time and the same were misplaced.’

Learned counsel would further submit that in cases of similar nature though certain institutions submitted the assignment marks belatedly, the same were included without insisting upon any payment, but, insofar as M.Sc Mathematics 2nd year students of the petitioner institution, who are 43 in number, insistence is being made for payment

of Rs.5,000/- per student as fine for issuance of revised marks list. He would also submit that the petitioners are not from affluent families and that payment of fine of Rs.5,000/- is onerous and makes a request to reduce the said fine amount.

Learned standing counsel for Sri Venkateshwara University appearing for the respondents would submit that in several cases already number of students have paid fine and that the same was collected for issuing revised marks list and that if the fine amount of Rs.5,000/- is reduced, there would be future complications and that, therefore, it is impermissible to consider the request for reduction of the fine amount of Rs.5,000/-.

Having regard to the facts and submissions, the Writ Petition is ordered directing the respondents 2 & 3 to consider the representations, dated 05.05.2017 and 25.05.2017, of the petitioner institution and include the assignment marks in the result of 43 M.Sc Mathematics 2nd year students belonging to the petitioner's study centre after collecting a fine of Rs.2,500/- per student and do the needful in the matter in accordance with facts and circumstances.

There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

M.SEETHARAMA MURTI, J

12.04.2018

Note: Issue CC by 13.04.2018.

[B/o]

Vjl