

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2019

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.873 of 2019 and
W.M.P. No.969 of 2019

Sree Narayanaguru Institute of
Science and Management,
represented by its Director Mr.Shijiu Issac
NH-47, Palakkad Main Road,
KG Chavadi, Coimbatore 641 105. ... Petitioner

-vs-

1.The Controller of Examinations,
Bharathiar University,
Maruthamalai Main Road,
Coimbatore 641 046.

2.The Registrar,
Bharathiar University,
Maruthamalai Main Road,
Coimbatore 641 046. ... Respondents

Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the 1st respondent, the Controller of Examinations, Bharathiar University, Coimbatore to accept the hard copy of examination applications of 99 students of Sree Narayanaguru Institute of Science and Management, Coimbatore for the examinations conducted during the month of January 2019 for the various courses included in Centre for Participatory Programme (CPP).

For Petitioner :: Mr.R.Ramachandran

For Respondents:: Mr.S.Mukunth for
M/s.Sarvabhauman and Associates
for R1 and R2

ORDER

Sree Narayanaguru Institute of Science and Management/the petitioner has come to this Court seeking a writ of mandamus directing the Controller of Examinations, Bharathiar University, Coimbatore, the first respondent herein to accept the hard copy

of applications of 99 students for the examinations conducted during the month of January 2019 for the various courses included in Centre for Participatory Programme (CPP).

2.Learned counsel appearing for the petitioner would submit that the petitioner and the Registrar, Bharathiar University, the second respondent herein has entered into a Memorandum of Understanding on 24.04.2017, which is valid for a period of three years upto 23.04.2020. According to the learned counsel for the petitioner, on 14.11.2018, the first respondent announced a notification in regard to the conduct of examinations. However, in the said notification, it has been clearly stated that the application forms of the students were uploaded with all details including the fee to be paid by them and the hard copy of the applications along with all enclosures including the fee should reach the University before the last date i.e. 10.12.2018 and the soft copy should reach the University before the prescribed date. Learned counsel for the petitioner would submit that since the fee details were wrongly shown as '0' in the on line application, the petitioner was unable to submit the application on or before 10.12.2018 and unable to get any details upto 17.12.2018. He would further submit that when the petitioner contacted the University officials on 18.12.2018, they informed that the petitioner should hand over the hard copy of applications of students, appearing for the January 2019 examinations. According to the learned counsel, the fee pertaining to all the students, appearing for different courses, has been consolidated and paid in one lump sum on 20.12.2018 through a Demand Draft No.813525 of State Bank of India drawn in favour of the Registrar, Bharathiar University to the tune of Rs.1,00,800/-. While so, now the University has not come forward to receive the hard copy of applications of the students and to issue hall tickets to the students. As the date of examinations commencing on 21.01.2019, the petitioner is before this Court seeking the above prayer.

3.Heard both sides.सत्यमेव जयते

4.Since the second respondent has entered into a Memorandum of Understanding with the petitioner Institute on 24.04.2017, which is valid for a period of three years upto 23.04.2020, to identify and approve the institutions to offer various courses with the actual supervision done by the University, for some mistakes happened beyond the control of the respondents, the petitioner institute was unable to make the payment and therefore, the University was unable to process the applications of the petitioner Institute. Hence, the first respondent is directed to accept the hard copy of applications of 99 students of the petitioner Institute for the examinations to be conducted in the month of January 2019 for various courses included in Centre for Participatory Programme (CPP) forthwith.

5.With this direction, the writ petition stands disposed of. Consequently, connected W.M.P. is closed. No costs.

6.It is open to the first respondent to issue the hall tickets, after verifying the names and other particulars of the students seeking permission to write the examinations.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

vga
To

1.The Controller of Examinations,
Bharathiar University,
Maruthamalai Main Road,
Coimbatore 641 046.

2.The Registrar,
Bharathiar University,
Maruthamalai Main Road,
Coimbatore 641 046.

+1 CC to Mr.R.Ramachandran, Advocate sr 3104.

+1 CC to M/s. Sarvabhuman Associates sr 3383

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NRL(CO)
SP(11/01/2019)

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