

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.05.2019

CORAM

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.14470 of 2019

and

W.M.P.Nos.14479 and 14482 of 2019

M.Manjurekar

... Petitioner

- Vs -

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

2. The Controller of Examinations,
Anna University,
Guindy, Chennai-600 025.

3. Gnanamani College of Technology,
Represented by its Principal,
N.H-7, A.K.Samuthiram, Pachal Post,
Rasipuram Taluk,
Namakkal-637 018.

4. PSG College of Technology,
Peelamedu Post,
Coimbatore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus, calling for the records relating to the impugned order issued by the 2nd Respondent Controller of Examinations in Lr.No.7704/COE/C70/MP/2019 dated 19.03.2019 and the consequential communication of the 4th Respondent in Ref.No.E/Prod/Admn. Cancel/2018-19 dated 05.04.2019, Quash the same and further direct the 1st and 4th respondents to permit the petitioner to continue to pursue the M.E. Manufacturing Engineering Programme and to take the periodical examinations and results thereof leading to award of Master of Engineering (M.E) Degree in the 4th respondent PSG College of Technology, Coimbatore.

For Petitioner : Ms.H.Mary Sowmi Rexi
for M/s.Isaac Chambers

For Respondents : Mr.M.Vijayakumar
Standing Counsel
for Anna University

ORDER

By consent of both parties, this writ petition is taken up for final disposal.

2. This writ petition has been filed to quash the impugned order passed by the 2nd Respondent Controller of Examinations in Lr.No.7704/COE/C70/MP/2019 dated 19.03.2019 and the consequential communication of the 4th Respondent in Ref.No.E/Prod/Admn. Cancel/2018-19 dated 05.04.2019 and further direct the 1st and 4th respondents to permit the petitioner to continue to pursue the M.E. Manufacturing Engineering Programme and to take the periodical examinations and results thereof leading to award of Master of Engineering (M.E) Degree in the 4th respondent PSG College of Technology, Coimbatore.

3. Heard the learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the 1st Respondent Anna University.

4. It is seen from the affidavit that based upon the enquiry held on 20.07.2018, an wholesale order appears to have been passed, whereby the result of the petitioner in respect of the subject namely, Transforms and Partial Differential Equations in respect of third semester examinations which he has passed in arrears is cancelled. It is seen from records that based upon certain allegations of malpractices said to have been taken in the Gnanamani College of Technology, Namakkal, it appears that Anna University has conducted the enquiry and disqualified all the candidates appeared for examination on that day. It is seen from the impugned order that there is no indication or finding as to whether the petitioner in question has committed any malpractice or not and there is no specific communication attributing any allegation or nature of allegations to the petitioner herein and hence, the impugned order is no speaking order in so far as to non-disclosure of any allegation against the petitioner herein.

5. However, taking note of the larger scale of malpractice alleged to have been taken place in Gnanamani College of Technology, Namakkal, the Respondent has passed a common order whereby all students who have attended the arrears examination, was penalized by cancelling their result in

respect of paper they have appeared on that date. I am of the considered view that the impugned order is liable to be set aside and the matter is remitted back to the 1st and 2nd Respondents, only in respect of the petitioner and also to hold an enquiry as to whether the petitioner has committed any malpractice or not and to dispose of the matter in accordance with law, preferably, within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar (VO)

True Copy

Sub-Assistant Registrar

ssn/gya

Note: Issue Order Copy on 27.05.2019

To

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

2. The Controller of Examinations,
Anna University,
Guindy, Chennai-600 025.

3. The Principal,
Gnanamani College of Technology,
N.H-7, A.K.Samuthiram, Pachal Post,
Rasipuram Taluk,
Namakkal-637 018.

4. PSG College of Technology,
Peelamedu Post,
Coimbatore.

+1 CC to M/s.ISSAC Chambers, Sr 44322.

+1 CC to Mr.M.Vijayakumar, Advocate sr 44320

W.P.No.14470 of 2019

and

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SPD(CO)
SP(27/05/2019)