

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 14.11.2019

PRONOUNCED ON : 21.11.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Contempt Petition No.1858 of 2019

T.Subramanian Petitioner

Vs

1.Dr.M.Venkatesan
The Controller of Examinations,
Anna University,
Chennai - 600 025.

2.Mr.K.Karunamoorthy,
The Registrar,
Anna University,
Chennai - 600 025.

.... Respondents

Prayer :- Contempt Petition is filed under Section 11 of the Contempt of Courts Act to punish the respondents for their willful disobedience of the order dated 04.10.2019 made in W.P.No.23183 of 2019 passed by this Court.

For Petitioner : Mr.K.Balu, for
Mr.S.Sasikumar

For Respondents : Mr.A.Kumar,
Additional Advocate General
for Mr.M.Vijayakumar

ORDER

The petitioner herein is a student of ARM College of Engineering, Maraimalai Nagar, Chennai. He joined the College as a lateral entry in the year 2016. He appeared for his final

semester examination in the month of April-May 2019. His results were not released. Hence, he filed a writ petition in W.P.No.23183 of 2019 to publish the result. That writ petition was heard in detail along with W.P.No.21622 of 2019 filed by one D.Sivabalan (petitioner in Contempt Petition No.1857 of 2019). By way of common order, in respect of W.P.No.23183 of 2019, this Court has passed the following order:-

"15. From the communication of the 2nd respondent, dated 18.07.2019, this Court finds that after repeated representation from the College to release the results, the 2nd respondent has informed the Colleges that the Vice Chancellor on 16.07.2019 has approved constitution of enquiry committee and that committee has decided to visit the College and report about the alleged irregularities. Thereafter, there was no progress in the enquiry except mutual accusation of delay and abuse of power against each other by the University and the Management.

16. These two Writ Petitions were filed by the students on 23.07.2019 and 07.08.2019 respectively. Only thereafter, at the instance of this Court, the enquiry committee has done their enquiry and submitted the report on 21.09.2019.

Alleging non cooperation from the Management

the University has deprived the students who have taken up their examination. Having failed to take up proper action in time and having allowed the candidates to take up the examination, the results of the candidates cannot be withheld indefinitely. Therefore, the 2nd respondent is directed to release forthwith the results of all the students, who have taken up their examination during April - May 2019, except the candidates against whom there is strong evidence of irregularity. So that, the students of the 3rd respondent/College, who are bonafide and not involved in any irregularities will get their results and the erring students alone will be proceeded and face action. Action on the enquiry report against erred candidates or the College Management can be taken after affording fair and adequate opportunity to the persons concerned."

2.The present Contempt Petition is filed by the petitioner herein/T.Subramanian alleging that in spite of the order passed by this Court, the respondent University has not released the result and had willfully disobeyed. Hence, after issuance of notice, the Contempt Petition filed to punish the respondents for their willful disobedience.

3.The respondents have filed counter affidavit stating that pursuant to the order passed by this Court, further enquiry was

conducted and the petitioner/T.Subramanian was summoned to produce the documents to substantiate his bona fide. The petitioner was found not a genuine student of the ARM College of Engineering. The enquiry committee after affording opportunity to the candidates and perusal of the records cleared the students who were genuine and had withheld the results of the persons who did not have enough documents to prove their bona fide. The petitioner herein is one such candidate.

4. During the enquiry, the enquiry committee found that the petitioner /T.Subramanian never attended the classes and did not write the internal examinations with the other candidates. By providing false data, the College has allowed the petitioner/T.Subramanian to write University examinations. The College authorities have fallaciously issued fake attendance to some of the students including the petitioner and entered their name in the web-portal of Anna University thereby ineligible candidates were issued hall tickets for examination without meeting the academic requirements. After the order of this Court, during the further enquiry, the petitioner was called to appear on 13.11.2019 but the petitioner failed to appear for the enquiry. Hence, the enquiry committee has recorded the following minutes in respect of the petitioner:-

*"Thiru T.Subramanian miserably failed
to attend all the enquiries conducted by*

this office. The enquiries were conducted on 06.09.2019, 17.09.2019 and 13.11.2019 inspite of proper communications have been sent to him and the college.

Most of the students who attended enquiry on 17.09.2019 have given their deposition that Thiru.T.Subramanian did not attend classes and they never saw him in the classes.

In the tuition fee intended for the colleges has not been paid by Thiru T.Subramanian regularly which shows that he is not a bona fide student.

The fee receipts submitted by the colleges seems to be not in order.

The signatures affixed by Thiru T.Subramanian in the examination application form submitted to the Office of the Controller of Examinations for November / December 2018 examinations and April / May 2019 examinations does not match with the signature affixed in the request letter submitted before the committee on 13.11.2019 for his non appearance. Hence a fake application forms for registering his names have been prepared by the college and sent to the Office of the Controller of Examinations by the College.

In the light of the above reasons, the genuineness of Thiru T.Subramanian a student of ARM college of Engineering and Technology is a questionable one. Hence, his result withheld earlier was in order and it need not be reconsidered."

5.While disposing the writ petition filed by T.Subramanian, this Court has specifically stated that the University has every right to withhold the results of the persons against whom there is strong evidence of irregularity and action may be taken against those students. As far as the petitioner is concerned, there are enough materials for the enquiry committee and for the University to infer that he is not the genuine student. When an opportunity was given to the petitioner by the enquiry committee, he has failed to appear and had rushed to this Court by way of filing the present Contempt Petition.

6.The documents filed by the petitioner along with the contempt petition are to be tested by the enquiry committee in the presence of the petitioner. If the petitioner avoid appearance before the enquiry committee, the University and the enquiry committee constituted by the University are helpless to take a decision. The petitioner cannot take advantage and he cannot evade the enquiry proceedings and try to get relief by filing contempt petition. Hence, this Court finds that the

action of the respondents in not permitting the petitioner to take up the examination and continue the course is fully justifiable and in tune with the order passed by this Court. There is no merit in the contempt petition. Hence the contempt petition is dismissed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

jbm

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

Nrk/16/12/2019

To

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

2.The Registrar,
Anna University,
Chennai - 600 025.

WEB COPY