

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.31900 of 2019
and W.M.P.No.32156 of 2019

Mridul Bhaskhar

.. Petitioner

/versus/

- 1.The Controller of Examination,
Pondicherry University, Puducherry.
- 2.The Principal,
Rajiv Gandhi College of Engineering and Technology,
Puducherry. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to permit the petitioner (Register No.23347101) to write arrear exam subjects namely (i) Microprocessor and Microcontrollers (T64 [5]) (ii) Elective Spread Spectrum Communication (EC 74) to be held on 07.12.2019 and 12.12.2019 respectively and declaring the results by considering the petitioner's representation dated 08.02.2019.

For petitioner : Mr.D.Senthil Kumar

For Respondents : No appearance

O R D E R

The petitioner herein joined B.Tech (ECE) in Manakula Vinayagar College of Engineering, Pondicherry during the academic year 2002-2003. Due to his ill health, he could not continue his course from 2003-2004 and 2004-2005. Thereafter, he was re-admitted in the second year course as a repeater. The petitioner got transferred from Manakula Vinayagar College of Engineering, Pondicherry to Rajiv Gandhi College of Engineering, Pondicherry with the approval of the University on 26.09.2005. He has pursued his course and completed the course from Rajiv Gandhi College of Engineering, Pondicherry. But had few papers arrear, lastly he took up his examination on 09.11.2012 for eight subjects. While his results were not declared along with the other candidates, he approached this Court seeking direction to the 1st respondent to publish his results.

2. In the said writ petition, the 1st respondent filed counter stating that two of his theory answer scripts are not available and therefore they could not be evaluated. Since the petitioner wrote the examination for eight papers, this Court directed the 1st respondent to release the other six papers results. Accordingly, the results were declared on 26.02.2016. The petitioner herein has not cleared two subjects namely (i) Microprocessor and Microcontrollers (T64 [5]) (ii) Elective Spread Spectrum Communication (EC 74).

3. The petitioner being a student of batch 2002-2003, he has crossed maximum period for completing the course and University as one time measure has permitted the candidates belonging to the academic year 2002-2003 and 2004 onwards to take up the arrears examination during the month of May and November 2019. The petitioner could not avail the said opportunity, since he joined the course for the academic year 2002-2003. Therefore, the petitioner is before this Court seeking indulgence of this Court to extend the relaxation benefits to him and permit him to take up the examination of two subjects, which is likely to be held on 07.12.2019 and 12.12.2019 respectively and declare the results.

4. The representation of the petitioner herein appears to be rejected by the 1st respondent quoting that the relaxation is only for candidates, who has joined the course in the academic year 2003-2004 onwards.

5. The peculiar facts of the case is that though the petitioner joined B.Tech (ECE) course during the academic year 2002 to 2006, there was a break of three years soon after he joined the college due to his health problem thereafter, in the year 2005, he was re-admitted. When he wrote his arrears examination in the year 2016, the university has lost two of his answer scripts. Therefore, the results of two subjects could not be released.

6. In the said circumstances, now the petitioner seeks for permission to take up two papers which he yet to clear, for which the 1st respondent has quoted that the relaxation is not applicable to the students who have joined the course prior to the academic year 2003-2004.

7. The case of the petitioner is peculiar in nature and failure to complete the course within the period prescribed, was not solely due to the fault of the petitioner, but there is a contribution on the part of the university which misplaced his answer scripts. Hence, the petitioner shall be given one more opportunity to take up the ensuing examination scheduled to be held on 07.12.2019 and 12.12.2019. Accordingly, the 1st respondent is directed to issue hall ticket to the petitioner for the two subjects on collecting

the necessary examination fees and permit him to take up examination.

8. In the result, this writ petition is allowed as prayed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpl

To

1.The Controller of Examination,
Pondicherry University, Puducherry.

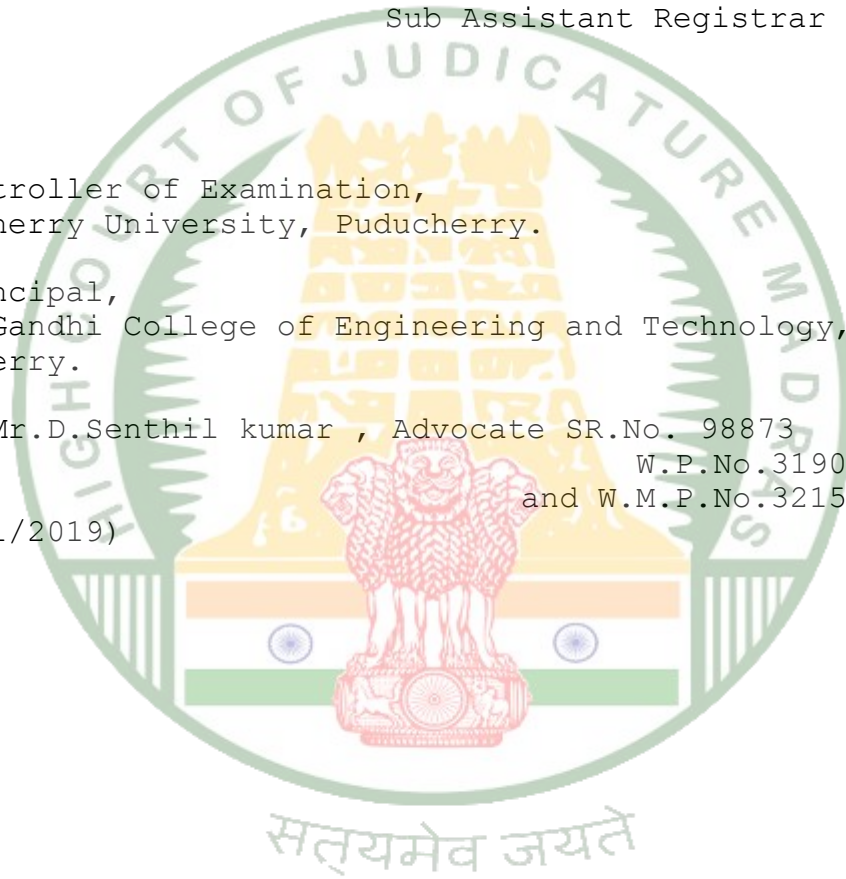
2.The Principal,
Rajiv Gandhi College of Engineering and Technology,
Puducherry.

+2ccs to Mr.D.Senthil kumar , Advocate SR.No. 98873

W.P.No.31900 of 2019

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A.SK(28/11/2019)



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