

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.29153 of 2018
and W.M.P.No.34088 of 2018

V. Arjun

.. Petitioner

Vs.

1. The Registrar,
Bharathiar University,
Coimbatore - 641 046.
2. The Controller of Examination,
Bharathiar University,
Coimbatore - 641 046.
3. The Principal,
Bharathiar University Arts & Science College,
Gudalur, The Nilgiris District. .. Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to declare the petitioner's 4th semester B.Com (I.T.) examination results held in April, 2018, and consequently, direct them to allow the petitioner to write the 5th semester B.Com (I.T.) examination to be held in the month of November, 2018 after receipt of the examination fees.

For Petitioner सत्यमेव जयते : Mr.K.Balaji

For Respondents : Mr.L.P.Shanmuga Sundaram

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O R D E R

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to declare the petitioner's 4th semester B.Com (I.T.) examination results held in April, 2018, and consequently, direct them to allow the petitioner to write the 5th semester B.Com (I.T.) examination to be held in the month of November, 2018 after receipt of the examination fees.

2. According to the petitioner, he had joined B.Com., (Information Technology) Course in the 3rd respondent-College during the academic year 2016-2017 and had completed three semesters. During the month of February, 2018, the authorities of the 3rd respondent-College indulged in various adverse activities against the students, hence, the students were agitated in groups. The 3rd respondent also suspended few students including the petitioner. Later, the suspension was revoked and the petitioner has been permitted to continue the 4th semester studies.

3. However, though the attendance required was 55%, the petitioner had got only 52%. In the normal circumstances, he should not be permitted to sit for the examinations, whereas, the petitioner seems to have taken the hall ticket for writing the arrear examinations and wrote the 4th semester examinations also. After ascertaining the details, the University had withheld the result of the 4th semester examinations of the petitioner. Hence, the petitioner has filed this Writ Petition to direct the respondents to declare the petitioner's 4th semester B.Com (I.T.) examination result held in April, 2018. The petitioner also asked for permitting him to write the 5th semester examinations to be held in November, 2018.

4. The petitioner has admitted that he had only 52% of the attendance for the 4th semester. So far as, the 5th and 6th semesters are concerned, according to the petitioner, he was not allowed to attend the classes, because, he had not completed the 4th semester. Admittedly, the petitioner had to repeat the 4th semester to sit for examination as he lacks attendance. Without completing the 4th semester, he cannot attend the 5th and 6th semesters. While so, the petitioner, according to the University, had clandestinely obtained the hall ticket and written the examinations of the 4th semester. As the University refused to permit him to write the examinations for the 5th and 6th semester, the petitioner has not written the 5th and 6th semester examinations.

5. Admittedly, the Course period is over in the academic year 2018-2019. The authorities seem to have allowed the petitioner to write the 4th semester examinations. The reason stated is that he had taken hall ticket for the purpose of writing the arrear examinations and made use the same for writing the 4th semester examinations.

6. Be that as it may, as the petitioner had written the 4th semester examinations, the result of the same shall be published by the University. So far as, the 5th and 6th semesters are concerned, admittedly, the petitioner had not attended the College and he has to repeat the 5th and 6th semesters for writing examinations by paying the fees. It is open to the petitioner to

approach the University for the same and thereafter, it is for the University to pass appropriate orders on the same. However, the University is directed to publish the result of the 4th semester examinations. The direction declaring the result is as a special case here and it cannot be used as a precedent for other cases against the University. Accordingly, the 2nd respondent/Controller of Examination, Bharathiar University, Coimbatore, is directed to publish the result of the 4th semester examinations forthwith. In case, the petitioner had failed in any of the subjects in the 4th semester examinations, before writing the same, he has to pay any fine as per the Rules of the University, if any, for condoning deficiency in attendance. So far as, the 5th and 6th semesters are concerned, the petitioner is willing to repeat the same.

With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst. Registrar

//True Copy//

Sub Asst. Registrar

To

1. The Registrar,
Bharathiar University,
Coimbatore - 641 046.
2. The Controller of Examination,
Bharathiar University,
Coimbatore - 641 046.
3. The Principal,
Bharathiar University Arts & Science College,
Gudalur, The Nilgiris District.

+1 CC to Mr.K.Balaji Advocate SR.NO.40120
+1 CC to Mr.L.P.Shanmuga Sundaram Advocate SR.NO.41092
+1 CC to Special Government Pleader (Co-Op) SR.NO.40652

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CO(LN)
VC (03/06/2019)