



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Seventh day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

WMP (MD) No.8804 of 2019

IN

WP (MD) No.11540 of 2019

J.JEROLD JEBADURAI

... PETITIONER/ PETITIONER

Vs

1 THE CONTROLLER OF EXAMINATION
MANONMANIAM SUNDARANAR UNIVERSITY,
ABISHEKAPATTI, TIRUNELVELI DISTRICT -627 012

2 THE PRINCIPAL
POPE'S COLLEGE (ARTS AND SCIENCE),
SWAYERPURAM-628251,
THOOTHUKUDI DISTRICT.

... RESPONDENTS/ RESPONDENTS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to grant Interim Direction directing the respondents to permit the petitioner to write the examination for the subject of Macro Economics-II, (Subject Code: JMEC61) as per schedule on 08.05.2019.

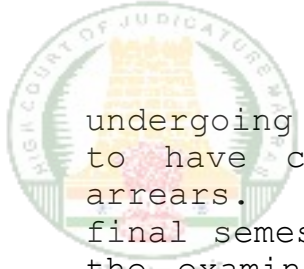
Prayer in WP(MD). 11540/ 2019 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to permit the petitioner to write the examination for the subject of Macro Economics-II, (Subject Code: JMEC61) as per schedule on 08.05.2019.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.T.ANTONY ARUL RAJ, Advocate for the petitioner, the court made the following order:-

Heard the learned Counsel for the Writ Petitioner and the learned Standing Counsel appearing for the first respondent University. The second respondent has been informed in advance about the listing of this matter at 10.30 a.m., today [07.05.2019]. But, there is no appearance by the second respondent college.

2. The learned Counsel appearing for the writ petitioner states that the petitioner is a student of the second respondent college,



undergoing B.A., Economics. He is in the final semester. He is said to have completed all the previous five semesters without any arrears. He has also been allowed to write four out of the five final semester examinations. But, he has not been allowed to write the examination for the petition mentioned subject that is to be held tomorrow ie., 08.05.2019.

3.It is true that the interim prayer and the main prayer are one and the same. Normally, this Court would decline to issue the interim relief, if it is same as that of the main prayer. But, this is not an inflexible rule of practice. If the Court is of the opinion that dismissal of the interim application will result in rendering the main writ petition itself infructuous, then the Court itself would be justified in granting the interim relief.

4.Taking into account the special facts and circumstances of the case, this Court directs the respondents to permit the writ petitioner to write the Macro Economics-II, subject examination that is to be held tomorrow.

5.As pointed out by the learned Standing Counsel for the first respondent, the results of tomorrow's examination to be written by the writ petitioner will not be published without further orders from this Court. The petitioner shall not claim any equity later. These conditions have to be incorporated as the interim relief is granted in the absence of the second respondent. As rightly pointed out by the learned Standing Counsel for the University, the University had generated the hall-ticket based on the inputs given by the second respondent and the facts are yet to be ascertained in full.

6.The second respondent is directed to comply with this direction on being furnished with the certified copy by the student concerned. The second respondent shall not insist that they would await the certified copy directly from this Court. It is open to the second respondent college management to satisfy itself about the authenticity of the order passed by this Court directly from the registry of this Court or the first respondent University.

7.Accordingly, W.M.P.[MD]No.8804 of 2019 is allowed.

sd/-
07/05/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

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2 THE PRINCIPAL
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THOOTHUKUDI DISTRICT.

+2. C.C. to Mr.T.ANTONY ARUL RAJ Advocate SR.No.8064

ORDER

IN

WMP (MD) No.8804 of 2019

IN

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Date :07/05/2019

MS/PN/SAR-3/07.05.2019/2P.5C