



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2019

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE G.R.SWAMINATHANW.P.(MD) No. 11506 of 2019

M.Mohammed Mohsin

: Petitioner

Vs.

1. The Registrar,
Tamil Nadu Dr. Ambedkar Law University,
No.5, DGS Dinakaran Salai,
Poompozhi,
Chennai.
2. The Controller of Examination,
Tamil Nadu Dr. Ambedkar Law University,
No.5, DGS Dinakaran Salai,
Poompozhi,
Chennai.
3. The Principal,
Government Law College,
Madurai - 625 020.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondents to permit the petitioner to appear for his three year L.L.B. Degree Examinations, May-2019 scheduled to be held from 06-05-2019 to 24-05-2019 as per the university time table, based on the petitioner's representation dated 30.04.2019.

For Petitioner : Mr.A.K. Hemaraj

For Respondents : Mr.V.Meenakshisundaram
for R1 & R2.
Mr.A.Muthukaruppan,
Additional Government Pleader
for R3

**O R D E R**

Heard the learned counsel appearing on either side.

2. By consent of both parties, the main writ petition is taken up for final disposal.

3. The writ petition is filed to issue a Writ of Mandamus directing the 2nd and 3rd respondents to permit the petitioner to appear for his three year L.L.B. Degree Examinations, May-2019 scheduled to be held from 06-05-2019 to 24-05-2019, as per the university time table, based on his representation dated 30.04.2019.

4. The writ petitioner is a student pursuing L.L.B Degree in the 3rd respondent College, which is a Non-Semester pattern. He joined in the academic year 2018-2019. The petitioner has to write the first year examination, which commenced on 03.05.2019 and would conclude on 24.05.2019.

5. The learned counsel appearing for the writ petitioner categorically asserts that the writ petitioner is having requisite attendance and that he is entitled to write the examinations. He also paid the requisite fee on 28.03.2019 and obtained O.M.R. Application No.F009551. However, on account of his health reasons, he was unable to submit the O.M.R. Application and Fees receipt to the College in time, as a result, he was not issued with the Hall Ticket. He realized the same rather and approached the 3rd respondent on 30.04.2019 for submitting the OMR application and fees receipt. The 3rd respondent appears to have directed the petitioner to approach the 2nd respondent. The petitioner had also approached the 2nd respondent herein on 02.05.2019. But, the petitioner did not obtain any fruitful response from the 2nd respondent. In the meanwhile, the examination commenced on 03.05.2019 and he was not permitted to write the first examination. The learned counsel for the petitioner further submitted that the petitioner has totally ten subjects to write in the first year examination. Therefore, the petitioner moved this Court during vacation sitting.

6. The learned Standing Counsel appearing for the respondent Nos. 1 and 2 and the learned Additional Government Pleader appearing for the 3rd respondent submitted that the petitioner has missed the bus. The learned Standing Counsel submits that the examination schedule for the above Course is as follows:

**EXAMINATION SCHEDULE**

3 years B.L./L.L.B., and 5 years B.A.B.L./B.A.L.L.B., Degree Examinations, May 2019.

Issue of Exam Application Forms	: 25.03.2019
Last date for submission of Exam Application Forms (Without Penalty)	: 04.04.2019
Last date for submission of Exam Application Forms (With Penalty)	: 12.04.2019
Last date for receipt of Tatkal Examination Forms	: 22.04.2019
Commencement of Examinations	: 02.05.2019

The learned Standing Counsel further submits that a reading of the above schedule would clearly show that the petitioner had failed to approach the respondents in time, since he had submitted the OMR application and Fee receipt belatedly. The learned Standing Counsel also expressed his apprehension that if any undue hardship is caused to the respondents, it would result in causing logistical confusion.

7. I have considered the submissions made by the learned counsel on either side and I am of the view that the objections raised by the learned Standing Counsel appearing for the University is sound. The petitioner has actually not made out a case for interference. But then, the petitioner's counsel points out that the petitioner could not approach the respondents only due to health reasons. It is further pointed out by the learned counsel for the petitioner that the examination fees was already remitted on 28.03.2019 and O.M.R. application was also obtained. The only lapse on the part of the petitioner was non submission of O.M.R. application to the 3rd respondent in time.

8. Taking note of the said facts of this case, particularly the health reason attributed to the writ petitioner, I am of the view that a direction may be given to the respondent Nos.2 and 3 to permit the writ petitioner to appear for the on-going examination scheduled to be held from 06.05.2019 to 24.05.2019, for the reason that this hardship for the respondents is within the manageable limits.

9. Accordingly, this Court directs the 3rd respondent to accept the OMR application of the writ petitioner today itself, who shall forward the same to the 2nd respondent through a Special Messenger. The respondent No.2 shall issue Hall Ticket to the writ petitioner and the respondents 2 and 3 shall permit the writ petitioner to write the first year LLB examination scheduled to be held from 06.05.2019 to 24.05.2019. Since the writ petitioner has approached this Court in the last minute, this Court realize that



the 3rd respondent will be put to difficulties since he has to send the OMR through a Special Messenger. Therefore, in this case, the 3rd respondent shall forward the OMR through Mail and FAX to the 2nd respondent, who in turn is directed to accept the same. The 3rd respondent shall not wait for the certified official copy to reach from High Court, Madurai and he shall accept the certified copy furnished by the writ petitioner. The respondents herein shall make arrangements to ensure that the writ petitioner is able to write the remaining examinations. I make it clear that this order shall not be cited as a precedent in any subsequent case.

10. The writ petition is allowed in the above terms. No costs.

Sd/-

Vacation Officer

// True Copy //

Sub Assistant Registrar (CS)

skn

To

1. The Registrar,
Tamil Nadu Dr. Ambedkar Law University,
No.5, DGS Dinakaran Salai,
Poompozhi, Chennai.
2. The Controller of Examination,
Tamil Nadu Dr. Ambedkar Law University,
No.5, DGS Dinakaran Salai,
Poompozhi, Chennai.
3. The Principal,
Government Law College,
Madurai - 625 020.

+1CC TO Mr.V.MEENAKSHISUNDARAM, Standing Counsel Sr. No. 65287
+1CC TO MR.MR.A.K.HEMARAJ, Advocate Sr. No. 65286

W.P.(MD) No. 11506 of 2019
04.05.2019

TR (04.05.2019) 4P 6C