



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.05.2019

CORAM:

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)Nos.2649, 2650 and 2651 of 2019
and

W.M.P.(MD)Nos.8975, 8976 and 8977 of 2019

Emmanuel.A.G.S. ... Petitioner in W.P.(MD)No.2649 of 2019

Allwin Pon Suthers A ... Petitioner in W.P.(MD)No.2650 of 2019

Kanmani Mathana ... Petitioner in W.P.(MD)No.2651 of 2019

Vs.

1.The Secretary to Government,
Higher Education Department,
State of Tamilnadu,
9th Floor, EVK Sampath Buildings,
College Road,
Chennai, Tamilnadu - 600 006.

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

3.The Controller of Examinations,
Anna University, Sardar Patel Road,
Old Highways Building,
Guindy, Chennai - 600 025.

... Respondents in all
W.Ps

COMMON PRAYER: Writ petitions are filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned communication of 3rd respondent in Letter No:COE/C10/2018 dated 03.12.2018 and quash the same as illegal and un-constitutional, consequently direct the respondents to award whole grace marks for the out of syllabus question No:13(b) and issue a new updated mark-statement after publishing the same in official website, within the time frame.

(in all W.Ps)

For Petitioners : Mr.S.Balamurugan



For R2 and R3 : Mr.M.Rajarajan,
Standing Counsel.

* * *

COMMON ORDER

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Heard the learned counsel on either side.

2. The Writ petitioners after obtaining their Engineering degrees, joined Government College of Engineering, Tirunelveli, in the academic year 2017-18 to undergo M.E.(Engineering Design) course. It is a two years course. The second semester of the first year contains 6 Theory papers and 2 Practical examinations. The petitioners could not clear 1 Theory paper, namely, Integrated Mechanical Design.

3. The examination for the said subject was held on 23.05.2018. According to the Writ petitioners, Question No.13.b from Part-B of the question paper was out of syllabus. This question carried 54 marks out of 100. Even though the Writ petitioners attended the said question "13.b", they could not get the requisite marks for securing a pass. The petitioners applied for revaluation. But even then, the situation did not improve for them. The Writ petitioners submitted a representation on 03.09.2018 pointing this out. But in their representation, the Writ petitioners have taken the stand that not only the Question No.13.b, Question No.13.a was also framed out of syllabus. The petitioner's request was rejected vide communication dated 03.12.2018 by the Controller of Examinations. This communication is under challenge in these Writ petitions.

4. On the side of the respondents, a detailed counter affidavit had been filed. Since the issue raised in these Writ petitions is having a technical bearing, this Court requested the respondents to depute an academician in the subject to assist the Court. Dr.G.Shibu, Professor, Dr.K.Raja, Professor and Dr.V.S.Chandra Sekar, Assistant Professor, were present before me to explain the issues involved.

5. Two of the students were also present and fully participated in the proceedings.

6. While the students would stick to their stand that the questions were framed out of syllabus, the professors would firmly assert that the questions are well within the syllabus. Dr.G.Shibu, Professor, placed on record a note given by Dr.Latha Nagendran, Professor and Director, AU-FRG Institute for CAD CAM, Department of Mechanical Engineering, College of Engineering, Guindy, Anna University, Chennai. The said note reads as follows:-

"13.b. A single-start square threaded screw, of a screw jack used for lifting loads is to be designed. This is a power screw for



9. The Writ petitions stand dismissed, accordingly. No costs. Consequently, connected Miscellaneous petitions are closed.

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Sd/-

Vacation Officer

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Secretary,
Higher Education Department,
State of Tamilnadu,
9th Floor, EVK Sampath Buildings,
College Road,
Chennai, Tamilnadu - 600 006.
2. The Registrar,
Anna University,
Kotturpuram,
Chennai - 600 025.
3. The Controller of Examinations,
Anna University, Sardar Patel Road,
Old Highways Building,
Guindy, Chennai - 600 025.

+4cc to Mr.S.BALAMURUGAN, Advocate, SR.No. 65769
+2cc to Mr.M.Rajarajan, Advocate, SR.No. 65781

W.P. (MD) Nos. 2649, 2650 and 2651 of 2019
11.05.2019

PMU
KK/SAR/13.05.2019/ 4P- 10C