

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Date : 01.04.2019****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****W.P. (MD) No.3191 of 2019****and****W.M.P (MD) .No.2487 of 2019**

Rahman

... Petitioner

Vs

- 1.The Director of Collegiate Education,
Department of Collegiate Education,
9th Floor, E.V.K.Sampath Building,
College Road, Chennai-600 006.
- 2.The Joint Director of Collegiate Education,
Department of Collegiate Education,
Jammal Mohammed College Campus,
Race Course Road,
Jammal Mohammed College,
Trichy-620 020.
- 3.The Registrar,
Bharathithasan University,
Palkalai Perur,
Trichy-620024.
- 4.The Principal,
Government Arts College,
Thanthondrimalai,
Karur-639 005.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents permit the petitioner to continue the petitioner's study in B.Sc Geography for the sixth and last semester and to permit the petitioner to write the examination of the sixth and last semester for B.Sc Geography in the fourth respondent college by considering his representation dated 26.10.2018.

For Petitioner : Mr.P.Santhanakrishnan

For R1 & R2 : Mr.M.Rajarajan

Government Advocate

For R3 : Mr.VR.Shanmuganathan

Special Government Pleader

**ORDER**

Heard the learned counsel on either side.

2. The writ petitioner joined the fourth respondent college in the academic year 2007-2008 to do B.Sc Geography course. It was a three years course. When he was in the final year, he got entangled in a criminal case involving a girl student. The college therefore expelled him, after conducting an enquiry. The petitioner was however acquitted on 21.04.2011 in S.C.No.88 of 2010 on the file of the learned Sessions Judge, Karur.

3. The petitioner now wants to write the final semester of the said course. He gave a representation in this regard. Since it was not considered, this writ petition came to be filed.

4. When the matter was taken up for hearing, the learned counsel appearing for the respondents pointed out that the petitioner had undergone studies in the fourth respondent College. It is an autonomous institution. The course was B.Sc Geography. It is true that the petitioner had completed five semesters and final semester alone remained to be written. But then, he was expelled from the college itself in the year 2009. Therefore, when the expulsion order has not been set aside in the manner known to law, the question of directing the fourth respondent to permit the writ petitioner to sit for final semester will not arise.

5. The learned Government counsel, on instructions, pointed out that since almost ten years have lapsed, the course content and Syllabi have been revised thrice and the present course structure does not match the old one. The learned Government counsel has given as many as three reasons as to why the petitioner's request cannot be complied with. They are as follows:-

"6.Total number of credits required for obtaining an UG degree in 2007-2008 was 120 and the same is 140 in the current structure. Further, the number of credits allotted to semester VI in 2007-2008 was 22 and the same is 30 at present.

7.The subject 'Geography of India' was studied by him in semester V and the same subject is present in Semester VI in the current structure. So, there will be a repetition of the subject.

8.Grading system for the award of the degree also has changed. In this context awarding a degree with two different grading system is not possible."



6. More than anything else as already observed when the petitioner's expulsion is still holding good, the prayer in the writ petition is not maintainable. Therefore, I am not in a position to grant any relief.

7. The Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Director of Collegiate Education,
Department of Collegiate Education,
9th Floor, E.V.K.Sampath Building,
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3.The Registrar,
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Palkalai Perur,
Trichy-620024.

+1 CC to M/s.P.SANTHANA KRISHNAN, Advocate (SR-58115[F] dated 01/04/2019)

+1 CC to M/s.SPL GP (SR-58341[F] dated 02/04/2019)

RMK

W.P. (MD) No.3191 of 2019
01.04.2019

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