



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.15454 of 2019

R.Jeevaratchagan

...Petitioner

-Vs-

1.The Controller of Examinations,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai-625 021.

2.The Director,
Madurai Kamaraj University Evening College,
Periyakulam - 625 601
(Venue : V.M.Government Higher Secondary School),
Theni District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to provide the mark statement to petitioner for Master of Philosophy-History examination written by him on 26.11.2016 for the subject HYD-Socio Economic History of Tamil Nadu 1800-1967 and for issuing a corrected Statement of marks.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.K.Ragatheeshkumar
for Issac Chamber

ORDER

The prayer in this writ petition is for a Writ of Mandamus, to direct the first respondent to provide the mark statement to the petitioner for Master of Philosophy-History examination written by him on 26.11.2016 for the subject HYD-Socio Economic History of Tamil Nadu 1800-1967 and for issuing a corrected Statement of marks.

2.Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner and Mr.K.Ragatheeshkumar, learned counsel appearing for the respondents.



3.The case of the petitioner is that, he studied M.Phil course in History at the respondent University through the second respondent College in the year 2016, where there are three papers, namely, Theory of History and Methods of Research (HY1), Archives Keeping and Epigraphy (HY2) and Socio Economic History of Tamil Nadu 1800-1967 (HYD). Out of these three papers, first two are compulsory papers and third one is optional paper and the petitioner has taken the said paper as optional paper. While so, when Hall-Ticket was issued to the petitioner for writing his examination by the University, where the subject has been mentioned as HY1, HY2 and HYB, instead of HYD, the yet another optional paper i.e., called HYB-Art and Architecture of Tamil Nadu upto A.D.1800 has been mentioned as one of the subjects to be appeared by the petitioner.

4.The petitioner seems to have noted the said mistake in the Hall Ticket and returned to the Director of College i.e., the second respondent, who on verifying the same and confirming that the petitioner had taken HYD as the optional paper, wherein he has already done the internal examination, which has been evaluated by the second respondent institution, had permitted the petitioner to write his actual optional paper i.e., HYD, namely, Socio Economic History of Tamil Nadu 1800-1967, that examination was conducted on 26.11.2016.

5.However, when the results were declared, the mark statement of the petitioner for the said examinations had been given and in the statement of marks, it has been stated that, the petitioner passed in the other two subjects i.e., the compulsory papers and he was absent in the third optional paper i.e., HYB. It means despite the petitioner written the examination in HYD, it has been wrongly taken as if that he was absent in HYB, which paper he had never taken as optional paper.

6.Thereafter, the petitioner seems to have given so many requests/representations to the respondents. Since the same has not been considered, the petitioner is before this Court with the aforesaid prayer.

7.I have heard the learned counsel for the petitioner and the learned Standing counsel for the respondents, who by direction of this Court, has produced the original answer script of the paper concerned written by the petitioner on 26.11.2016, which have been perused.

8.The answer script was only for the subject called "Socio Economic History of Tamil Nadu 1800-1967", that subject code is HYD and the paper has been evaluated by the duly appointed examiners and marks have been awarded to the petitioner, which, according to the learned Standing Counsel for the University, is the pass mark.



9. Therefore, it become crystal clear that, the petitioner attended and written only the optional paper, namely, HYD that is the Socio Economic History of Tamil Nadu 1800-1967 and not the paper HYB i.e., Art and Architecture of Tamil Nadu upto A.D.1800. When that being so, the mark statement given to the petitioner showing that the said optional paper by wrongly mentioned as HYB and stated as if he was absent to the said paper, is palpably wrong.

10. If at all, in the Hall Ticket issued by the University, one of the subjects of the petitioner has been wrongly mentioned as HYB instead of HYD, thereafter, when the same is pointed out by the petitioner, the second respondent institution realizing the mistake, permitted the petitioner to write the correct subject/examination and the petitioner also wrote the examination on 26.11.2016 and the same has been evaluated by the University and marks were awarded. It is not known as to whether the said answer script evaluated by the University has been taken into account by the first respondent Controller of Examination and if so, on what basis, the mark statement showing the subject HYB instead of HYD and displaying it as if the petitioner is absent in that paper, had happened and where went wrong, who is responsible for this mistake, is not known.

11. Be that as it may, now it has been made clear that the petitioner has written only HYD subject and not HYB and it has been confirmed by the University by production of the original answer script of the petitioner, where he is awarded 40 marks, which is the pass mark, as per the University Norms. Hence, there can be no further impediment for the first respondent/university to issue corrected mark statement in respect of the said subject to the petitioner.

12. In that view of the matter, this Court is inclined to pass the following order :-

"that the respondent University shall immediately withdraw the mark statement given to the petitioner insofar as the optional subject HYD (as if HYB, displaying as absent) and issue a corrected mark statement for the said subject Socio Economic History of Tamil Nadu 1800-1967 (subject code HYD), within a period of one week from the date of receipt of a copy of this order. In future, the University administration, especially, the Office of the Controller of Examination, shall act carefully and be vigilant to avoid these kind of mistakes to be occurred, as that would have a great impact in the career of the students, who completed the course.



13. With these observations, this writ petition is ordered accordingly. No costs.

SD

ASSISTANT REGISTRAR (P AND A)

WEB COPY

TRUE COPY

SUB ASSISTANT REGISTRAR (CS)

rmk

+1CC TO MR. T. LAJAPATHI ROY, ADVOCATE SR 77909

+1CC TO M/S. ISAAC CHAMBERS, ADVOCATES SR 77451

Order made in
W.P. (MD) No. 15454 of 2019
24.07.2019

MS/16.09.2019/4P.3C