IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.14911 of 2020
and WMP No.18513 and 18515 of 2020

Minor Aswin Gopakumar
S/o.P.Gopakumar
Represented by his father and
Natural Guardian
Mr.P.Gopakumar
Kizhakkevila MRA 171,
Kureepuzha, Kavanad P.O,
Kollam, Kerala – 691 003. ...Petitioner

.Vs.

1. The Indian Maritime University,
   Represented by its Registrar,
   East Coast Road,
   Semmancherry,
   Chennai 600 119.

2. Tolani Maritime Institute,
   Represented by its Principal
   And Secretary,
   Capt. Krishnamurthy Iyer,
   Talegaon Chakan Road,
   Induri Village, Maval Taluka,
   Pune – 410 507, Maharashtra ...Respondents

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Prayer:- Writ petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the e-mail communication dated 06.10.2020 of the 1st respondent and to quash the same as arbitrary and without jurisdiction and to consequently direct the 1st respondent to publish a revised provisional rank list for IMU-Admissions-2020 under Graduate Programme (Except BBA) including the name of the petitioner after permitting the petitioner to upload his class XII Mark list.

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For Petitioner : M/s.Govind Chandrasekhar

For Respondents: Mr.Thamizhmani
Standing Counsel for
1st Respondent / University

ORDER

This writ petition has been filed challenging the impugned communication of the 1st respondent dated 6.10.2020 wherein the petitioner was informed that since he did not upload the mark list within the time stipulated, he cannot continue with the course in the second respondent institute.

2. The case of the petitioner is that he had applied for admission before the 1st respondent for the course of under graduation in Maritime Engineering. The petitioner came out successful in the written test and the interview and he was given provisional admission in the 2nd respondent institution. The provisional admission is subject to two conditions. The first condition is that the petitioner must come within the rank list published by the 1st respondent and the second condition is that the petitioner must submit the medical report.

3. The 1st respondent had sent communication to all the candidates to upload their respective mark sheets on or before 14.09.2020. According to the petitioner, this communication that was sent through email landed in the Spam Box of the petitioner and the petitioner therefore was not aware about the email sent by the 1st respondent. As a result of the same, the name of the petitioner was not included in the merit list by the 1st respondent.

4. Mr. Tamizhmani, learned standing counsel appearing on behalf of the 1st respondent university submitted that three emails were sent to each candidate asking them to upload the mark sheets. The learned counsel further submitted that three messages were sent to the phone number that was furnished by the petitioner. In spite of the same, the petitioner did not upload the mark sheets. Therefore, the 1st respondent university was not able to add the name of the petitioner in the rank list since the mark sheets were not received on time. The learned counsel therefore submitted that the 1st respondent university cannot be found fault for not permitting the petitioner to continue with the course in the second respondent institution. The learned counsel submitted that the 1st respondent university received 21,000 applications submitted on-line and out of the same, 9,400 applications were rejected on various grounds and one such ground is not uploading the mark sheets within time. The Learned

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counsel therefore submitted that no exception can be given to the petitioner.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. The petitioner has come up with a case to the effect that the mails sent by the 1st respondent university landed in the spam box of the petitioner since it came from 'no reply' email address. Even if the stand taken by the petitioner is accepted, there is no proper explanation as to why the petitioner did not even notice the same message sent by the 1st respondent university through SMS at least three times to the phone number that was furnished by the petitioner. The only answer given by the petitioner is that the phone belongs to his mother and she did not understand the message that was received through SMS.

7. A careful perusal of the academic record of the petitioner shows that he has been consistently very good both in his 10th and 12th standard. The petitioner hails from a remote place in Kerala. The petitioner has also secured a provisional admission in the 2nd respondent intuition and has also paid the entire fees. The petitioner has submitted the mark sheets before the 2nd respondent institution and for reasons beyond his control, the petitioner did not properly notice the communications received from the 1st respondent university and therefore, the petitioner was not able to upload the mark sheets on time. Considering the age of the petitioner and also the fact that he has secured an admission in the 2nd respondent institution, this Court feels that the admission of the petitioner in the 2nd respondent institution should not be discontinued. The petitioner will be wasting the entire academic year if he is made to discontinue from studies in the 2nd respondent institution.

8. Therefore, taking into consideration the peculiar facts and circumstances of the case, this Court is inclined to interfere with the impugned communication of the 1st respondent dated 06.10.2020. The order passed by this Court in this writ petition cannot be taken as a precedent in any other case and it confines itself to the peculiar facts of the present case.

9. The petitioner is permitted to upload his mark list in the website of the 1st respondent university and the 1st respondent is directed to include the name of the petitioner and publish a revised provisional rank list for IMU-Admissions-2020. The petitioner shall be permitted to continue with the Course in the 2nd respondent intuition.

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10. This writ petition is allowed with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1. The Registrar,
   The Indian Maritime University,
   East Coast Road,
   Semmancherry,
   Chennai 600 119.

2. The Principal,
   Tolani Maritime Institute,
   And Secretary,
   Capt. Krishnamurthy Iyer,
   Talegaon Chakan Road,
   Induri Village, Maval Taluka,
   Pune - 410 507, Maharashtra

+1cc to M/s.Govind Chandrasekhar, Advocate, Sr.No.36151

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