

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16802 of 2020
and
WMP No.20819 of 2020

Sanjay Gandhi

..Petitioner

.Vs.

1. The Tamil Nadu Dr.Ambedkar Law University,
Rep.by its Registrar,
5, Dr.D.G.S.Dinakaran Salai,
Chennai 600 028.
2. The Director,
The Tamil Nadu Dr.Ambedkar Law University,
5, Dr.D.G.S.Dinakaran Salai,
Chennai 600 028.
3. The Controller of Examination,
The Tamil Nadu Dr.Ambedkar Law University,
5, Dr.D.G.S.Dinakaran Salai,
Chennai 600 028.
4. Director Under Graduation,
School of Excellence in Law
"Perungudi Campus"
M.G.R.Salai,
Near Taramani (MRTS).
Perungudi, Chennai 600 113.
5. The Bar Council of India,
Rep.by its Chairman,
21, Rouse Avenue,
Industrial Area,
Near Bal Bhavan, New Delhi-110 002.

(R-5 Suo Motu impleaded vide order
dt.2.12.2020 in WP.No.16802/2020
by NAVJ)

..Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to conduct arrears examination (either online or physical mode) for the petitioner or permit the petitioner to writ a project report in the subjects in which he has arrears as early as possible and further direct the respondents to evaluate the same and publish the results.

For Petitioner : Mr.V.Ramakrishnan
Senior Advocate

For Respondents: Mr.Vijay Narayan
Advocate General
Assisted by
Mr.Vasanth Kumar
Standing Counsel

ORDER

This writ petition has been filed by a student belonging to the School of Excellence in Law which is affiliated to The Tamil Nadu Dr. Ambedkar Law University, seeking for a direction to the respondents to conduct the arrears examination and evaluate the papers and publish the results within the time limit prescribed by this Court.

2. When the matter came up for hearing on 04.12.2020, the learned Advocate General appearing on behalf of respondents 1 to 4 submitted that the Agenda for conducting the examination will be placed before the Syndicate and the decision will be informed to this Court during the next date of hearing.

3. When the matter was taken up for hearing today, a counter affidavit has been filed on behalf of respondents 1 to 4. In order to understand the magnitude of the process that has to be undertaken by the University, it will be relevant to extract para 9 of the counter affidavit hereunder:

9. I respectfully submit that 240 students at School of Excellence in Law and 7,548 students in all the affiliated Law colleges in Tamil Nadu having arrears in the subjects invariably from first semester to final semester and the tentative number of scrips expected out of these arrear students are 2,523 and 1,60,480 respectively and the statistics is extracted hereunder;

Name of the Course	No. of Arrear Students	No. of Scripts expected	No. of Subjects to be conducted [all regulation]	No. of days exam to be conducted for arrear students alone	No. of days exam scheduled for Jan, 2020 (current and arrear students)
[1]	[2]	[3]	[4]	[5]	[6]
School of Excellence in Law:					
B.A.L.LB . [Hons.]	60	1,139	92	25	28
B.Com. LL.B. [Hons.]	57	409	64	27	28
B.B.A. LL. B [Hons.]	22	65	14	13	28
B.C.A. LL.B. [Hons.]	33	121	20	17	28
3 Year LL.B. [Hons.]	68	789	96	17	17
TOTAL	240	2523	286		
Affiliated Law Colleges:					
5 year B.A. LL.B [affiliated law colleges]	3724	80,023	173	43	43
3 Year LL.B. [affiliated law colleges]	3,814	80,295	132	30	30
TOTAL	7,548	1,60,480	305		

4. It will also be relevant to extract paragraphs 11,12 and 13 of the counter affidavit to understand the examination schedule:

11. I respectfully submit that maximum number of days required to conduct arrear / regular examination for Honours courses, School of Excellence in Law and affiliated Law Colleges are tabulated below under column (2) and (3)

Course (1)	No. of days exam to be conducted for arrear students alone (2)	Existing Schedule of January 2021 Examinations (3)
Honours Degree Courses, School of Excellence in Law	27	28
U.G. Courses, Affiliated Law Colleges	43	43

12. I respectfully submit that University conducts examination for all arrear students in the School of Excellence in Law and affiliated Law Colleges along with the current year students as per the Interim Order of the Hon'ble Division Bench of the Hon'ble High Court of Madras in W.P. No.16213 of 2020 dt.01.12.2020, which is extracted hereunder.

"5. A perusal of the above cited University Grants Commission's Guidelines, especially Para No.6 (i) coupled with other materials, would prima facie disclose that the respondents 5 and 11 appear to have violated the said mandatory guidelines; and hence, there shall be an order of ad-interim direction forbearing the Universities from declaring All-Pass to the students, who are in mid-semesters or in final semester, without conducting the examinations either through online or offline or combination of both, in respect of students who are having arrears/no arrears".

13. I respectfully submit that the

Feasibility Committee held on 04.12.2020 which recommended to conduct the examination in compliance of the order dated 01/12/2020 and the said recommendation was approved by the 173rd (Special) Syndicate on 08.12.2020. Subsequently, the examination schedule is published in the University website to reach the students as follows:

Details Examinations Schedule	Examination Schedule Date
Opening of Exam Applications Forms (Online Mode)	14.12.2020
Last date for submission of Exam Applications - (Online Mode)	24.12.2020
Publication of Nominal Roll and Answer Script Cover Page	04.01.2021
Mock Test	05.01.2021
Commencement of Examinations	06.01.2020

5. Mr. V. Ramakrishnan, learned Senior Counsel appearing on behalf of the petitioner submitted that since the University has decided to conduct the arrears examination, the substantive relief sought for in the writ petition has been satisfied and the petitioner will write the arrears examination as per the schedule. However, the learned Senior Counsel submitted that the examination is going to commence from the 6th of January 2021 and it will go up to the end of February 2021 and considering the large number of students who are going to take the examinations, the results will be published only during May 2021 and therefore even for those students who are writing the arrears examination, they have to wait for nearly six months before they complete the course and pass out the examination. The learned Senior Counsel suggested that the University can consider either having a separate examination for the final year arrears papers or there can be a fast-track evaluation for the students, who take the final year arrears papers so that their results can be announced expeditiously.

6. The learned Advocate General by pointing out to para 9 of the counter affidavit submitted that it is impossible to conduct a separate examination for the final year arrears papers alone, since it will impact the entire examination schedule and conducting examination for others will also get postponed. The learned Advocate General submitted that separate evaluation of the final year arrears papers cannot be done and it will also

have other complications.

7. In the first place, this Court has to place on record its appreciation for respondents 1 to 4 for having come up with the entire examination schedule including the arrears examination. The pandemic situation has completely derailed the entire examination schedule and therefore it is but natural that there is going to be delay in completing the examination process. Delay by a couple of months, is not going to have any adverse impact on the students. The extended time will in fact give an opportunity to the students to watch Court proceedings and learn advocacy skills. This so-called delay will not have any impact in the students successfully completing the course and joining the profession. Rather than rushing into the profession, more efforts must be taken to equip oneself sufficiently and thereafter gradually come up in the profession.

8. When it comes to administrative decisions, this Court must be very slow in interfering with such decisions, unless this Court is able to see any apparent illegality. The suggestions put forth by the Senior Counsel appearing on behalf of the petitioner is more focused on those students writing the final year arrears papers. However, this Court has to look at the overall picture and take a decision. Considering the magnitude of the work involved in conducting the examination, this Court does not want to put any spokes in the schedule that has already been prepared by the respondents. The respondents shall proceed further to conduct the examinations as per the schedule and efforts can be taken to publish the results as expeditiously as possible.

9. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

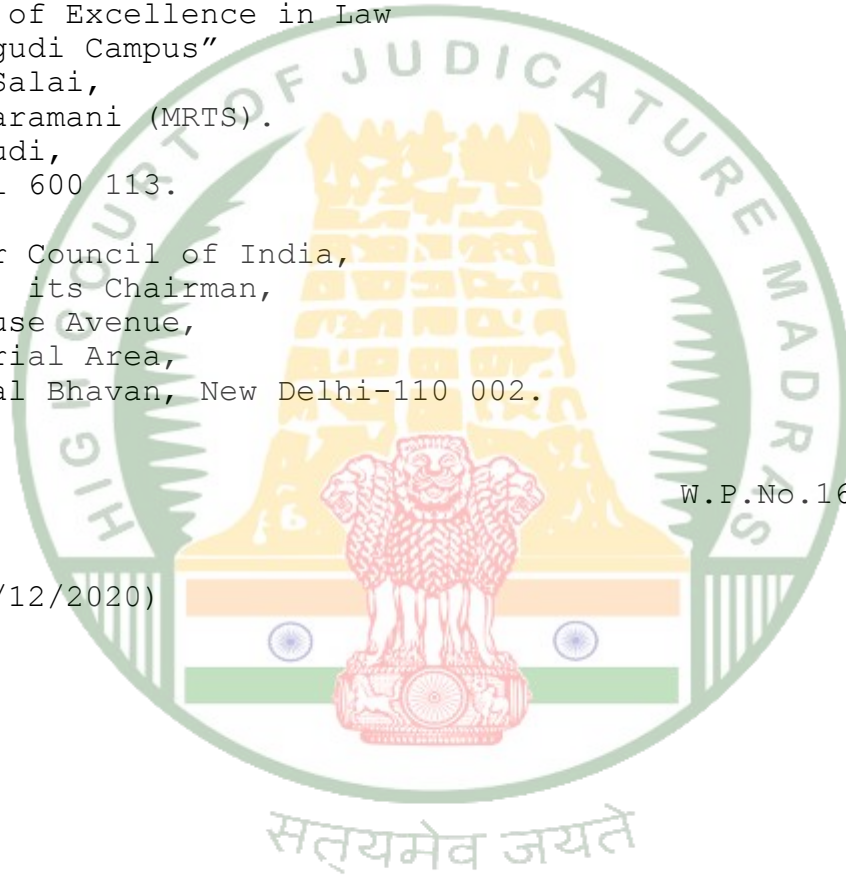
To

1. The Tamil Nadu Dr.Ambedkar Law University,
Rep.by its Registrar,
5, Dr.D.G.S.Dinakaran Salai,
Chennai 600 028.

2. The Director,
The Tamil Nadu Dr.Ambedkar Law University,
5, Dr.D.G.S.Dinakaran Salai,
Chennai 600 028.
3. The Controller of Examination,
The Tamil Nadu Dr.Ambedkar Law University,
5, Dr.D.G.S.Dinakaran Salai,
Chennai 600 028.
4. Director Under Graduation,
School of Excellence in Law
"Perungudi Campus"
M.G.R.Salai,
Near Taramani (MRTS).
Perungudi,
Chennai 600 113.
5. The Bar Council of India,
Rep.by its Chairman,
21, Rouse Avenue,
Industrial Area,
Near Bal Bhavan, New Delhi-110 002.

W.P.No.16802 of 2020

rr ii (29/12/2020)



WEB COPY