



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P. (MD)Nos.4736, 7100 and 7775 of 2020

WEB COPY

W.P. (MD)No.4736 of 2020

E.Vijayabharathi

... Petitioner

-vs-

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

2.The Principal,
Thiagarajar College of Engineering,
Madurai - 625 015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to make necessary change in the petitioner's Grade Card, Provisional Certificate Folio No.1332769 in the classification column as "First Class" deleting the words "Second Class" and to issue fresh Provisional Certificate and Grade Card declaring that the petitioner secured "First Class" within the time limit fixed by this Court.

For Petitioner	: Mr.T.K.Gopalan
For Respondent 1	: Mr.M.Rajarajan
	Standing Counsel
For Respondent 2	: Mr.Raghuvaran Gopalan

W.P. (MD)No.7100 of 2020

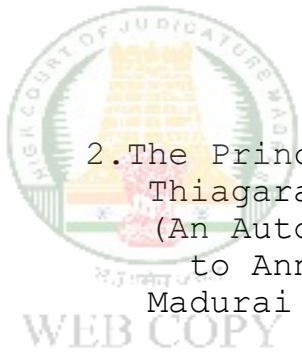
1.Monisha, J
2.Neyaa, K.M.

... Petitioners

-vs-

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

<https://hcservices.courts.gov.in/hcservices/>



2.The Principal,
Thiagarajar College of Engineering,
(An Autonomous Institution Affiliated
to Anna University Chennai)
Madurai - 625 015.

3.The Controller of Examinations,
Thiagarajar College of Engineering,
(An Autonomous Institution Affiliated
to Anna University Chennai)
Madurai - 625 015.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to do the necessary corrections in the records of respondents and to issue the petitioners a fresh Consolidated Grade Card, Provisional Certificate and Convocation Certificate according to law as mentioned below:

Class obtained: First Class in Consolidated Grade Card
Classification : First Class in Provisional Certificate
First Class in Convocation Certificate within the period stipulated by this Court.

For Petitioners : Mr.M.Masuttu Ali
For Respondent 1 : Mr.M.Rajarajan
Standing Counsel
For Respondents 2 & 3 : Mr.Raghuvaran Gopalan

W.P. (MD)No.7775 of 2020

1.M.Shyamsundar
2.S.Syed Ali
3.A.Manikandan

... Petitioners

-vs-

1.The Controller of Examination,
Anna University,
Guindy Campus,
Chennai.

2.The Controller of Examination,
Thiagarajar College of Engineering,
Madurai - 15.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to issue Degree Certificate, Provisional



Certificate without altering the grade mentioned in the Mark Sheet to the petitioners in the light of the petitioners' representation dated 17.02.2020 within a time frame as fixed by this Court.

For Petitioners : Mr.R.Villavankothai
For Respondent 1 : Mr.M.Rajarajan
Standing Counsel
For Respondent 2 : Mr.Raghuvaran Gopalan

COMMON ORDER

In view of the fact that the issue involved in all these Writ Petitions are one and the same, the Writ Petitions are taken up together and disposed by this Common Order.

2.The petitioners in all the Writ Petitions have joined B.Arch (five year Course) and B.E. Civil Engineering Courses (four years course) in the year 2014 and 2015 respectively in the second respondent college and completed their course in 2019 with Cumulative Grade Point Average (CGPA) of 6.9, 6.91, 6.98, 6.59, 8.45 and 6.136 respectively out of 10 marks by awarding first class with distinction, first class and second class respectively. According to the evaluation system existed at the time of their admission, a student who secured CGPA of less than 6.5 shall be declared to have been passed the examination in "Second Class"; not less than 6.5 shall be declared to have been passed the examination in "First Class" and not less than 8.0 shall be declared to have been passed the examination in "First Class with Distinction". After having successfully passed in the Engineering Courses, some of the the petitioners have got placement and working at present in private companies by considering their distinctive score of marks obtained and some of them have applied for pursuing their higher studies. While so, the second respondent college orally directed the petitioners to produce the original mark statements for replacing the same with lower grade as per the Choice Based Credit System (CBCS) of Regulations 2015. According to the petitioner in W.P.(MD) No.4736 of 2020, the petitioner has got to be awarded with First Class but unfortunately, she was awarded with Second Class which is highly contrary to the regulations which were in force at the time of her admission. The second respondent college introduced a new Regulations applicable for the students of B.E./B.Tech. programme admitted from the academic year 2015-16 under Choice Based Credit System (CBCS) of Regulations, 2015. According to the petitioners, as the petitioners have joined the course in the academic year 2014 and 2015 and the grading system which was in existence at the time of their admission has only to be applied to them and not the new system which was introduced subsequently. Therefore, the petitioners have come forward with the above Writ Petitions seeking to award the Grade/Class based on the evaluation system existed at the time of their admission into the courses and not the new system



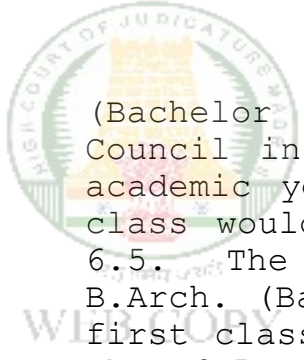
of evaluation which was introduced subsequently as it would severely affect their career.

3.The first respondent Anna University filed a counter stating that as some of the autonomous colleges were adopting regulations leading to the dilution of the standards set by the University, the Anna University had proposed and approved a uniform grading and classification of degree all through the years of being an affiliated university. Further, a uniform method of classification has been suggested to the autonomous colleges as per the direction contemplated by the Tamil Nadu State Council for Higher Education in order to standardize and normalize grading system, which will not discriminate students of the same university and lead to dilution of standards.

3.1.According to the Anna University, the CGPA of not less than 7 is eligible for First Class and CGPA of not less than 8.50 for First Class with Distinction, irrespective of the ranges of various grades being absolute and determined statistically and this uniform method of classification has been adopted by the University for the University Departments, Constituent Colleges, Non-autonomous affiliated colleges including the autonomous colleges. But, the second respondent college has not only disregarded the communication sent by the Tamil Nadu State Council for Higher Education insisting on uniformity but also in the process, diluted the regulations leading to awarding of degrees to the students of their college to receive First Class and First Class with Distinction in spite of securing less marks. This has given ground for total discrimination and undue advantage to one set of students namely belonging to Thiagarajar College of Engineering against lakhs of students studying and receiving degrees under the same university. This could be very well seen by the erroneous method adopted by the college which does not match with the classification followed by the University for all the colleges under its academic jurisdiction. Due to the wrong classification, the uniformity among the other colleges is totally lost.

3.2.It is further submitted that all the students who have completed their degree programmes during the period of 2014-2019 have been classified under this category and accordingly their degrees have been awarded. Therefore, the petitioners cannot say that they have been discriminated while awarding the classification of degrees. The petitioners have not been deprived of their rights and the degree has been awarded to the petitioners as per the regulations of the University in force and in the best interest of the University and without any discrimination whatsoever to the student community at large. In these circumstances, the respondent Anna University prayed for dismissal of these Writ Petitions.

4.The Principal, Thiagarajar College of Engineering, has filed a counter stating that the college had framed Regulations for B.Arch



(Bachelor of Architecture) Course, as approved by its Academic Council in 2010. These regulations were to have effect from the academic year 2010-2011 onwards and as per Regulation 14.2, first class would be awarded to students securing CGPA of not less than 6.5. The Anna University had updated its regulation in 2013 for B.Arch. (Bachelor of Architecture) Course and as per Regulation 15, first class would be awarded to students securing CGPA of not less than 6.5. Subsequently, in 2015, Anna University had issued amended regulations for all courses including B.Arch., Course and as per the amended Regulations, more particularly, as per Regulation 15.2.2., first class would be bestowed on students who had secured a CGPA of not less than 7.0 and first class with distinction would be bestowed on students who had secured a CGPA of not less than 8.5. The respondent college had also amended its regulations for B.Arch., with effect from the academic year 2015-16 on par with the Anna University regulations.

5.While so, the Anna University by letter dated 02.11.2019 had insisted that the regulations of the respondent college be brought in line with Anna University Regulations, particularly, on the issue of CGPA slabs for awarding honours. The respondent college had specifically requested Anna University not to insist on following the amended slabs for students who have enrolled prior to 2015-2016 as some of them had already graduated and been placed in jobs and that revising the same would affect the students. However, the Anna University has been insisting the respondent college for adopting the slabs set out in its Regulations uniformly, failing which it was pointed out that the University would not be in a position to issue provisional certificate on completion of the course. It was also pointed out that the affiliated autonomous colleges can frame their own regulations, or modify and adopt the regulations of the University and in doing so, the respondent college may impose higher standards than the one set out in the Anna University Regulations, but it cannot dilute the same. Therefore, as the respondent college is affiliated to the Anna University, it is bound to set academic standards on par with that of the Anna University or more strenuous than the Anna University. The non-adherence to such standards and requirements would lead to dire consequences including potential dis-affiliation.

6.According to the respondent college, the petitioners in W.P. (MD) Nos.4736 and 7100 of 2020 have enrolled in the academic year 2014-2015 and as per the then prevailing regulations, the CGPA slabs for first class was more than 6.5 and the same was reflected in the semester mark sheets issued to them through their five year course. However, in the light of the communications between the University and the respondent college and the consequent adoption of the higher slabs of CGPA as mandated by Anna University, the 10th semester mark sheet of the petitioners as well as their provisional certificate

<https://hcservices.eport.gov.in/hcservices/> showing them to have procured second class.

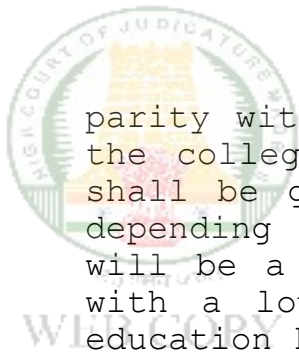


Therefore, the change in class awarded to the petitioners is not because of any wanton or wilful act on the part of the respondent college and only to adopt the regulations issued by the Anna University, the grade was awarded to the students.

7. Sum and substance of the issue on hand is that whether the petitioners should be given a different Grade/Class for the marks they have obtained based on the regulations available/in existence on the date of admission. This Court had the assistance of Mr. Venkatesan, Controller of Examinations, who has also addressed the Court and submitted that as different yardstick is applied by different colleges with regard to award of Grade/Class, the Anna University is trying to bring out a uniformity so that the regulations are in *pari materia* with the guidelines framed by the Anna University and that the individual colleges are not given any benefit of Grade/Class depending upon the marks scored namely, in some colleges CGPA of less than 6.5 is eligible for "Second Class"; not less than 6.5 is eligible for "First Class" and not less than 8.0 is eligible for "First Class with Distinction" and in some colleges the CGPA of not less than 7 is eligible for First Class and CGPA of not less than 8.50 for First Class with Distinction.

8. I fully endorse the submission of Mr. Venkatesan, Controller of Examinations that there should be a uniform pattern with regard to award of Grade/Class in view of the prospectus/guidelines which will have to be on par with the guidelines that may be framed by Anna University so that there will not be any confusion with regard to the award of Grade/Class. In these cases, some of the students have joined in the year 2014 and completed the course in 2019. Admittedly, the B.Arch Course students completed five years course and in the middle of the academic year, the Grade/Class was sought to be awarded differently based on the subsequent guidelines framed in the year 2015 by the Anna University. Though periodically they are entitled to amend the regulations, it shall not defeat the original prospect/guidelines/regulations based on which the students got admission.

9. When the students joined in a college based on the particular prospectus/guidelines/regulations, it cannot be changed detrimental to their interest. It will create chaos and the students will be in confused state as in the present case, as the students have joined in a particular academic year the Grades/Classes have got to be awarded to the students based on the guidelines/regulations available on the date of admission. It is no doubt true that different colleges are adopting different yardstick with regard to classification of Grades/classes to the students. This Court cannot try to bring a parity with the guidelines framed by the respective colleges which are not in conformity with the guidelines/regulations of the Anna University, that is the reason why, as stated by Mr. Venkatesan, Controller of Examinations, which



parity with regard to the award of Grades/Classes uniformly to all the colleges affiliated to Anna University and that no discretion shall be given to the respective colleges to award Grades/Classes depending upon the percentage as stated supra. Only then, there will be a healthy competition. If the certificates are re-issued with a lower Grade/Class, the students, who are pursuing higher education based on the certificates issued, will be put to a great difficulty and embarrassment and it will be projected as if the students have misled the other institutions by showing higher Grade/Class instead of lower Grade/Class. So, in order to give a quietus to these matters, while accepting the submissions of Mr.Venkatesan for parity with regard to the classification of Grades/Classes and in future, all the colleges affiliated to Anna University must follow the same norms as framed by the Anna University and they cannot individually award a better Grade/Class for one particular batch of students studying in one college and the lower Grade/Class to other students who are studying in a different college even if that students have scored more marks than the earlier students.

10.For the foregoing reasons, these Writ Petitions are allowed. The respondents are directed to issue the certificate to the petitioners with a Grade/Class as per the regulations existed/were in force at the time of their admission and if already given as per the same, the students shall not be forced to submit their certificates for re-classification. Such exercise shall be done within a period of six months from the date of receipt of a copy of this order. Further, the respondents are directed to follow the uniform guidelines/regulations from the academic year 2021-2022 onwards. No costs.

Sd/-

Assistant Registrar (CS I)

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Sub Assistant Registrar(CS)

SRM

To

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

2.The Principal,
Thiagarajar College of Engineering,
Madurai - 625 015.



3.The Controller of Examinations,
Thiagarajar College of Engineering,
(An Autonomous Institution Affiliated
to Anna University Chennai)
Madurai - 625 015.

4.The Controller of Examination,
Anna University,
Guindy Campus, Chennai

- + 1cc to Mr.PT.S.NARENDRAVASAN ,Advocate, SR No.25997
- + 1cc to Mr.M.MUSUTTU ALI ,Advocate, SR No.25890
- + 2cc to Mr.M.RAJARAJAN ,Advocate, SR No.25905

W.P (MD) Nos.4736, 7100 and 7775 of 2020
16.12.2020

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