



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **13.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P(MD)No.14232 of 2020

P.Sivakumar

.. Petitioner

Vs.

1.The Director,
Department of Technical Education,
Surdhar Patel Road,
Bakthavatchalam Nagar,
Guindy,
Chennai-600 025.

2.The Anna University,
Rep. by the Registrar,
Guindy,
Chennai-600 025.

3.The Controller of Examination,
O/o. Controller of Examination,
Anna University,
Chennai - 600 025.

4.The Mahakavi Bharathiyar College,
of Engineering and Technology,
Rep. by the Principal,
Thalayanai Road,
Kovil Nagar, Athuvazhi,
Vasudevanallur Taluk,
Tenkasi District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent to provide approval for the petitioner's Transfer Application dated 10.07.2019 and consequently directing the respondents 2 to 4 to publish the 5th Semester result of the petitioner (Register No.951617105701) for the year 2019-2020 in the course of B.E., Electrical and Electronics Engineering at the respondent No.4 College and consequently directing the respondents to permit the petitioner to continue to write remaining semester exams for the year 2020-2021 by considering the representation dated 09.09.2020 within the time stipulated by this Court.

For Petitioner

: Mr.I.Pinaygash

For Respondents

: Mr.K.P.Krishnadoss

Special Government Pleader

For R1

Mr.K.Govindarajan

For R2 and R3



ORDER

This writ petition has been filed for issuance of a direction to the first respondent to provide approval for the petitioner's Transfer Application dated 10.07.2019 and consequently directing the respondents 2 to 4 to publish the 5th Semester result of the petitioner for the year 2019-2020 and consequently directing the respondents to permit the petitioner to continue to write remaining semester exams for the year 2020-2021 by considering the representation dated 09.09.2020 within the time stipulated by this Court.

2. Mr.K.P.Krishnadoss, Special Government Pleader takes notice for the first respondent and Mr.K.Govindarajan, learned counsel takes notice for the respondents 2 and 3. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner joined B.E., Electrical and Electronics Engineering Course at Dhanalakshmi Srinivasan Institute of Technology, Samayapuram, Trichy, in the year of 2017 and wrote four Semester examinations. In the meanwhile due to his ill health, he requested the first respondent to transfer to any college at his native place. Based on his representation, on May 2019, the first respondent transferred the writ petitioner to the fourth respondent College. On 10.07.2019, the writ petitioner joined in the fourth respondent College and continuing his B.E., Electrical and Electronics Engineering Course till date. He appeared for the 5th Semester examination for the academic year 2019-2020 as well as his arrear papers. The fourth respondent College released the result for his arrear papers alone and withheld his 5th Semester results without stating any valid reasons. Now, the fourth respondent refused to receive college fee for the 6th Semester since the petitioner's transfer order has not yet been approved by the first respondent. Thereafter, as per the information of the fourth respondent, the writ petitioner paid Rs.2,200/- for publishing the 5th Semester results by way of Demand Draft. Though a communication sent by the fourth respondent College to the second respondent/Anna University to release the petitioner's 5th Semester result, till today, they did not publish the results. Therefore, on 09.09.2020 the writ petitioner sent a representation to the respondents to publish his 5th Semester result for the academic year 2019-2020 and also permit him to continue to write his forthcoming Semester Examinations for the year 2020-2021. But the said representation was not considered so far. In such circumstances, the petitioner has come forward with the present Writ Petition.

4. Learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 09.09.2020 is disposed of by the respondents at the earliest.



5. Learned Special Government Pleader appearing for the first respondent would submit that the first respondent is prepared to consider the application of the petitioner and to pass suitable orders on the same.

6. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to consider the representation dated 09.09.2020 submitted by the petitioner and to pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order, if there is no legal impediment to do so. It is needless to mention that the first respondent shall transfer all the records submitted by the petitioner to the fourth respondent College to ascertain the genuineness of the contention of the writ petitioner before passing orders.

7. This Court is not giving any opinion about the publication of the results of the 5th semester. Depending upon the decision that may be taken by the first respondent, further course of action may be taken. This Court further makes it very clear that in case of publication of 5th Semester results and if there are arrears, the writ petitioner shall write his arrears examination and there is no possibility of getting automatic pass on account of Covid pandemic.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CSII)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

PJL

To
1.The Director,
Department of Technical Education,
Surdhar Patel Road,
Bakthavatchalam Nagar,
Guindy, Chennai-600 025.

2.The Registrar,
Anna University,
Guindy,
Chennai-600 025.



3.The Controller of Examination,
O/o. Controller of Examination,
Anna University,
Chennai - 600 025.

+1 CC to M/s.SPL GP (SR-20056[F] dated 14/10/2020)

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