



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2020

CORAM:

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

W.P. (MD)No.15296 of 2020

I.Paramasivan

... Petitioner

-vs-

1.The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli District.

2.The Controller of the Examination,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli District.

... 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 conduct the arrear examination papers for the B.Sc. (Micro Biology) of the past academic year syllabus of 2001 to 2004 and by considering the petitioner's representation dated 03.09.2020 within the period that may be stipulated by this Court.

For Petitioner : Mr.V.Balasubramanian
For Respondents : Mr.Mahaboob Athiff
Standing Counsel

ORDER

The petitioner has come forward with the present Writ Petition seeking a direction to the respondents to conduct the arrear examinations to the petitioner for B.Sc.(Micro Biology) of the past academic year syllabus of 2001 to 2004 by considering his representation dated 03.09.2020 within the period that may be stipulated by this Court.

2.Heard the learned Counsel appearing for the petitioner and Mr.Mahaboob Athiff, learned Standing Counsel appearing for the respondents.

3.According to the petitioner, he joined B.Sc., (Micro Biology) course in Arulmighu Pannirupidi Ayyan College of Arts and Science, Nanguneri, Tieunelveli District during the academic year



2001 to 2004. He had only appeared in the first semester examinations and thereafter, as he was suffering from polio and jaundice, he could not attend the remaining 2 to 6 semesters (totally 18 papers). However, after getting improvement in his health condition in the year 2016, the petitioner had approached the respondents seeking to conduct the arrear examinations on payment of necessary fees. He had also sent a representation to the respondents on 23.09.2020. Since the representation has not evoked any response, the petitioner is before this Court.

4.The learned Counsel appearing for the petitioner, by relying upon clauses 2 and 3 of the 'UGC guidelines on Determination of a Uniform Span Period within which a student may be allowed to qualify for a degree' published in the University Grants Commission's website on 15.10.2015, would submit that the petitioner has to be permitted to write his arrear examinations within a period of three years from the date of issuance of the said notification.

5.The learned Standing Counsel appearing for the respondents would submit that the respondents are governed by the University Grants Commission's Regulations and Acts. However, even going by the reference made by the learned Counsel appearing for the petitioner, it is very clear that maximum period of three years alone will be given for the students to complete his course. He would further submit that for the first two years, beyond the period of normal course time, the petitioner may write his examination as a matter of right but the extension of one more year is left to the discretion of the University. However, even if the said benefit is given to the petitioner, he would not come under the purview of the three years period now, as he had joined the degree course in the year 2001 and the period of course had completed in 2004 and after a lapse of 16 years, he has come forward with the present Writ Petition which is not maintainable.

6.The clauses 2 and 3 of the University Grants Commission's guidelines are extracted as under for convenience:

"2.A student who for whatever reasons is not able to complete the programme within the normal period or the minimum duration prescribed for the programme, may be allowed two years period beyond the normal period to clear the backlog to be qualified for the degree. The general formula, therefore, should be as follows:

a) Time Span = $N+2$ years for the completion of programme.

b) In exceptional circumstance a further extension of one more year may be granted. The



exceptional circumstances be spelt out clearly by the relevant statutory body concerned of the university.

c) During the extended period, the student shall be considered as a private candidate and also not be eligible for ranking.

3) Ordinarily, no student should be given time beyond the extended period of two years. However, in exceptional circumstances and on the basis of the merits of each case university may allow a student one more year for completion of the programme."

7.A perusal of the above guidelines would clearly indicate that at the most, a maximum period of three years may be given to a student to complete the course. In this case, admittedly, the petitioner had completed B.Sc. (Micro Biology) degree course during the academic year 2001-2004 and had taken his Transfer Certificate in the year 2013 but not cleared the arrears within the stipulated time. The guidelines relied upon by the petitioner is of the year 2015 which cannot be given retrospective effect and if that is done, it would amount to opening of a pandora box. Even assuming for the sake of arguments, as per the guidelines of the University Grants Commission, the petitioner should have cleared the arrear examinations before 2007 but he has not utilised the same. Further, the petitioner has approached this respondents after a lapse of seven years from the date of getting his Transfer Certificate in 2013, by way of representation in 2020 seeking to conduct arrear examination which is beyond the maximum period prescribed in the guidelines of the University Grants Commission. Therefore, the relief sought after this length of time cannot be granted and the same is rejected. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

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/ /2021

Sub Assistant Registrar(CS)

SRM
To

1.The Registrar,
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli District.



2.The Controller of the Examination,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli District.

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