

THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.03.2021

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.Nos.1315 & 1317 of 2021
and
W.M.P.Nos.1460 & 1461 of 2021

C.Praveenkumar Petitioner in WP 1315/2021

S.B.Mailesh Petitioner in WP 1317/2021

vs.

1. The Registrar,
Anna University,
Guindy, Chennai 600 025.
2. The Controller of Examinations,
Anna University, Guindy,
Chennai 600 025.
3. The Principal,
Care School of Architecture,
No.27, Thayanur, Trichy 620 009. Respondents in both cases

Writ Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents herein to permit the petitioners herein to continue their course of study without any break by sitting for the end semester exams for the VII semester scheduled to commence from the 3rd week of January 2021 as well as to move to the VIII semester course.

For Petitioners : Mr.Saravanan

For RR1 and 2 : Mr.L.P.Shanmugasundaram,
Special Government Pleader

COMMON ORDER

The petitioners are students of B.Arch Course in the third respondent college. He joined the course in the year 2017. The said course consists of Theory cum Studio courses. In the Studio Course, the students are taught to draw the designs of the structures in studios as well as techniques used to construct the buildings drawn in the class room. The end semester for the Studio Courses was conducted by way of a viva voce examination, in which, the students are expected to submit an art work model.

2. The first respondent has also framed a Regulation and as per Regulation No.11.1.2, the students, who are admitted in 2017-2018 and 2018-2019 are permitted to appear for arrears upto VI Semester and will be allowed to move to VII Semester only on completion of all the courses in the I Semester. The petitioners have completed the IV Semester courses during the month of April 2019 and viva voce for the Studio subject in Semester IV was scheduled to be held on 26.4.2019. Due to the sudden demise of his grandmother, the petitioner in W.P.No.1315 of 2021 could not attend the viva voce for the subject and the petitioner in the other writ petition viz., W.P.No.1317 of 2021 was suffering from some Viral Fever with acute Diarrhoeal Disease,

and therefore, he also could not attend the said viva voce.

3. As per Regulation 11.2.2, the second respondent has to conduct a supplement examination, but the second respondent has not conducted the same. In the meantime the petitioners were permitted to move for the V Semester and thereafter to VI Semester in January 2020. Whiles, by communication dated 03.03.2020, the second respondent has taken a stand that the petitioners have to redo the IV Semester for want of viva voce and then only, they can move to VI Semester. As against this communication of the second respondent, the petitioners have filed writ petitions in W.P.Nos.10517 and 10527 of 2020 and the same were allowed on the following terms:-

"19. In the considered view of this Court, the petitioners having cleared the other examinations in the IV semester, should not be made to again undergo the course for the IV semester, only for the purpose of taking the Viva Voce Examination. The petitioner can be brought within the ambit of Clause 11.2.2 and a supplementary exam should be conducted by the Anna University for the petitioners. Once they clear the Architectural Design III in the supplementary

examination, they will be entitled to move into the VI semester. This is the only conclusion that can be arrived at on a harmonious reading of the relevant Regulations of the Anne University.

20. In the result, the impugned Letters issued by the 2nd and 3rd respondents are hereby quashed and there shall be a direction to the respondents to conduct a supplementary Viva Voce Examination to the petitioners for Architectural Design III as per Clause 11.2.2 of the Regulations at the earliest end in the event of the petitioners clearing the supplementary examination, they shall be permitted to move to the next semester."

4. As per the orders of this Court, the respondent conducted supplementary examinations on 22.12.2020 and the petitioners have also cleared the supplementary examinations.

5. The case of the petitioners is that on completion of the V Semester, the petitioners were permitted to move to the VI Semester during January 2020 and also permitted to pursue the VII Semester online classes pursuant to an interim order in W.M.P.No.13487 and

13496 of 2020 dated 10.9.2020, till 13.11.2020 and therefore, filed these writ petitions seeking a direction to the respondents to permit the petitioners to continue the Studio Course without any break by sitting for the end Semester examinations of the VII Semester scheduled to commence from third week of January 2021 and for permitting them to move to VIII Semester.

6. Mr.L.P.Shanmugasundaram, learned Special Government Pleader appearing for the respondent Anna University would submit that there is a separate Regulation for the course and as per Regulation 10.4.1, the students shall submit the final Art work/Models/Presentation drawings for the Viva Voce examination on this last working day of the Semester and the Viva Voce examination will be conducted on the the last working day of the Semester based on the portfolio of class records of the candidates. As per Regulation 11.2.2, if a student fails to secure a pass in the Studio Course, the student shall submit an improved portfolio for supplementary Viva Voce examination conducted by the Controller of Examinations within a period of the 30 days. The stand of the respondent is that this improved portfolio by way of supplementary examination is a must for the students who have attended the Viva Voce examinations and failed

to secure pass mark and insofar as the petitioners are concerned, they were absent for the subject and therefore, they are not entitled to appear for the supplementary examinations.

7. However, the issue has been dealt with by this Court in W.P.Nos.10517 and 10527 of 2020 and the same has been disposed with the directions as referred to above.

8. Pursuant to the orders of this Court, the petitioners were permitted to sit for supplementary examination conducted in the month of December 2020 and the petitioners have also cleared the same in January 2021. Therefore, the stand of the respondent that the petitioners can pursue their study only from VI Semester onwards.

9. On the other hand, the petitioners claim that they were also permitted to undergo VI Semester from January 2020 to March 2020 during the pandemic of Covid-19 and were also permitted to attend the online classes for the VII Semester by way of interim orders dated 10.9.2020 in W.M.P.No.13487 and 13496 of 2020 from 10.9.2020 to 13.11.2010, however, the petitioners were not permitted to pursue their VI Semester classes on the ground that the petitioners had not cleared the Viva Voce examination for IV Semester. The petitioners failed to appear for the Viva Voce examination for the IV Semester on

account of sudden demise of grandmother of the petitioner in one case and due to ill health in the case of petitioner in the other writ petition.

10. As per Regulation 11.2.2, the second respondent ought to have conducted supplementary examination, but the same was not conducted. Regulation 11.2.2 is extracted hereunder:-

"If a student fails to secure a pass in a studio course, the student shall submit an improved Portfolio for a supplementary viva voce examination conducted by the COE within 30 days of publishing the result, with the same set of Examiners. The internal marks shall be valid for the supplementary attempt."

11. As per this Regulation, if a student fails to secure a pass in the Studio Course, he shall submit an improved portfolio for a supplementary Viva Voce examination. In this case, pursuant to the directions of this Court in W.P.Nos.10517 and 10527 of 2020, the petitioners also completed supplementary viva voce examination and therefore, there is no impediment for the petitioners to proceed with further with the courses from VI Semester.

12. Though the petitioners claim that after completion of V

Semester, the petitioners were permitted to move to the VI Semester during January 2020 and has also studied the VI Semester till the filing of the earlier writ petitions in W.P.Nos.10517 and 10527, the respondents have pointed out that these petitioners are not entitled to move to the VI Semester without completing the IV semester.

13. As per Regulations 2017 of the Anna University in the Degree of Bachelor of Architecture, the candidate who have completed Architecture Design III in Semester IV alone is eligible to pursue studies in the VI Semester. Regulation 15 of Anna University, Chennai Regulations 2017 is extracted hereunder:

15.REQUIREMENTS FOR MOVING TO A HIGHER SEMESTER

15.1 A candidate of the B.Arch. shall move to the higher semester if he/she satisfies the following conditions. To move to:

- (i) III semester, a pass is required in Basic Design in semester I*
- (ii) IV semester, a pass is required in Architectural Design I in Semester II.*
- (iii) V semester, a pass is required in Architectural Design II in Semester III*
- (iv) VI semester, a pass is required in Architectural Design III in Semester IV.*
- (v) VII semester, a pass is required in Architectural Design IV in Semester V.*
- (vi) VIII semester, a pass is required in Architectural Design V in Semester VI.*
- (vii) IX semester, a pass is required in Architectural Design VI in*

Semester VII.

(viii) X semester, a pass is required in Architectural Design VII & Educational Tour in Semester VIII as well as Practical Training in Semester IX.

15.2 A candidate shall move to the next higher semester if he/she has satisfied the semester completion requirements (vide Clause 6.0)

14. Admittedly, these petitioners have not acquired Architecture Design III in Semester IV since they could not attend the Studio course and therefore, even if the 3rd respondent permits the petitioners to pursue their studies in the VI Semester without pass in Architecture Design III, it cannot be considered as the petitioners have right to pursue their studies in the VI semester. Earlier the petitioners filed W.P.No.10517 and 10527 of 2020 on 19.03.2020, on the ground that these petitioners were not permitted to pursue VI Semester and the University has pointed out that as per 15.1 of the Regulations, the petitioners are not entitled to move to VI semester. However, pursuant to the order passed in W.P.Nos.10517 and 10527 of 2020 dated 14.12.2020, supplementary examination was conducted by the respondent for the petitioners on 22.12.2020 and the results were also declared on 19.02.2021. The petitioners have cleared Architectural Design III in Semester IV and therefore, the petitioners are entitled to move to VI Semester as per Regulation 15.1. According to the learned

counsel for the respondents 1 and 2, VI Semester course commenced from 18.02.2021 and pursuant to the directions of this Court, the respondent University has also permitted the petitioners to pursue their studies in the VI Semester with effect from 15.03.2021.

15. Recording the above said submission, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

23.03.2021

Index: Yes/No.

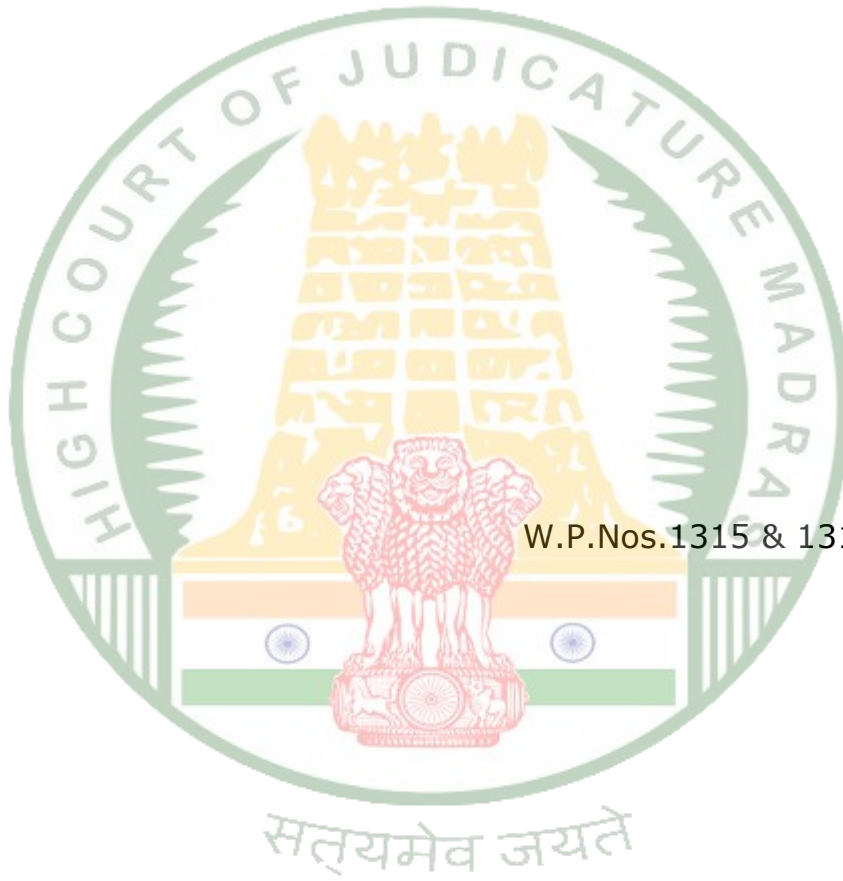
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B.PUGALENDHI, J.

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