

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.3.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.No.2283 of 2021

Shakti S.Raheja

...Petitioner

vs.

1. Controller of Examination,
University of Madras,
Chepauk, Chennai 600 005.

2. The Principal/Controller of Examination,
Loyala College (Autonomous),
Nungambakkam, Chennai 600 034.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st respondent to issue the corrected year Degree Certificate as per the details already provided by the 2nd respondent without further loss of time in the interest of justice.

For Petitioner : Mr.K.R.Hariharan

For R1 : Mr.L.P.Shanmugasundaram,
Special Government Pleader

For R2 : Ms.Sowmi Rexi for
M/s.Issac Chambers

ORDER

This case is one of the classic examples to show as to how the educational Institutions are working in a mechanical manner issuing certificates with glaring mistakes.

2. The petitioner, a student, who had pursued his B.Com Corporate Secretary Ship Degree Course in the second respondent college during the academic period 2011 to 2014 and has passed with first class in all the subjects without any arrears by April 2014 when the last semester examinations were conducted. The petitioner was issued with a certificate of course completion by the Principal/Controller of Examination of the second respondent college and has been placed in first class with CGPA (Part III) 6.63. The Loyola College has also issued

the Transfer Certificate on 25.3.2014. While so, the Degree Certificate was issued by the first respondent University of Madras on 28.9.2016 as if this petitioner has completed such course in the Examinations held in April 2015. The petitioner made a representation on 18.11.2019 to correct the said mistake and was also continuously following it up, but, despite the same, the mistake committed in the Certificate issued by the first respondent has not been corrected rather both the respondents shifting the blame on each other as if the second respondent College has finished the details in such a manner and the certificate has been issued by the first respondent without any verification of the register of University of Madras.

3. In the present writ petition, a counter affidavit is also filed by the first respondent University that the certificate was issued based on the records forwarded by the second respondent college and after a period of five years, now, the College is taking a different stand. It is further contended in the counter affidavit that the second respondent college would submit only Permanent Pass Register to the first respondent University and based on that Permanent Pass Register alone, the Degree Certificate of the petitioner was sent to the second respondent college in the year 2016.

4. Mr L.P. Shanmugasundaram, learned Special Government Pleader appearing for the first respondent University would submit that the second respondent college has not ensured about the correctness of the Permanent Pass Register and the mistake has been brought to the knowledge of the University only after five years which would disclose the manner in which the second respondent College is functioning and he would further submit that the said degree had been conferred by the Special Senate and His Excellency Chancellor of the University has signed in the Register of Graduands awarded in the convocation which was held on 28.09.2015 and now, the college has requested to change the year of passing as April 2014 instead of April 2015. He would further submit that in this regard, this respondent University had sent letters No.4383 dated 08.10.2020 and No.232 dated 11.01.2021 to the college stating that since the Register of Graduands has already been signed by the Chancellor in the convocation held on 28.09.2015 in which the total number of Graduates received the degree through in absentia has been indicated and any correction which is not a practical and present one is impossible after lapse of five years from the date of occurrence.

5. It is an admitted case that this petitioner has passed the course in April 2014 however the Degree Certificate has been issued by the first respondent as if the petitioner has completed the course only in the year 2015. Admittedly the

mistake has occurred in the certificate issued by the first respondent University on 28.9.2015. The respondents being responsible Institutions are not supposed to shift the blame on each other and to defeat the interest of the petitioner. It is not fair on their part to penalize the petitioner for no mistake committed by him except having chosen the Institution for pursuing his studies. By this sort of shifting the blame on each other when admittedly there is a mistake on the part of the Institution in issuing the Degree Certificate, the respondents may lose their integrity and credibility among the public. Therefore, this court, without expressing anything further, directs that the respondents shall make every effort for correcting the mistake on their part and to issue the fresh Degree Certificate with correct information to the petitioner without any unreasonable delay.

6. Accordingly, the writ petition is allowed. It is needless to say that it is always open to the University to take any further action as against the second respondent college if any mistake is found on its part. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

ssk.
To

1. Controller of Examination,
University of Madras,
Chepauk, Chennai 600 005.
2. The Principal/Controller of Examination,
Loyala College (Autonomous),
Nungambakkam, Chennai 600 034.

+1 CC to Mr.K.R.Hariharan, Advocate sr 15350.
+1 CC to M/s. Isaac Chambers sr 15917.

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SSN(CO)
SP(15/04/2021)