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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on	Delivered on
05.03.2021	06.05.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No. 4941 of 2021
and
W.M.P.Nos. 5524 & 5525 of 2021

P.Selvakumar ...Petitioner

Vs.

1.The Registrar,
Anna University,
Sardar Patel Road,
Chennai - 600 025.

2.The Principal,
Mahath Amma Institute of Engineering & Technology,
Pudukkottai District. ...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of writ of certiorarified mandamus, calling for the records connected with the impugned letter of the 1st respondent dated 23.12.2020 vide Lr.No.9112/COE/C30/2020, and quash the same as illegal and arbitrary.

For Petitioner : Mr.K.Jayaraman

For Respondents : Mr.L.P.Shanmugasundaram
Spl. Government Pleader for R1

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O R D E R

The petitioner said to have studied B.Tech, Civil Engineering (lateral entry) through distance education from JRN Rajasthan Vidyapeeth, Udaipur deemed to be University in the year 2011-2014, after completing his degree, joined M.E. Structural Engineering in the 2nd respondent Institution, which is affiliated with the 1st respondent University. The first respondent by the order impugned in this writ petition called for an explanation from the petitioner about his Bachelor Degree certificate issued by JRN Rajasthan Vidyapeeth, Udaipur on the distance education mode. Pursuant to the same, the 2nd

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respondent has also asked the petitioner to surrender his Grade Sheet (Mark Sheet) issued by the first respondent for the Master Degree.

2. Mr.K.Jayaraman, learned counsel appearing for the petitioner submits that at the time of the admission in the year 2016, the 1st respondent verified all certificates including Bachelor Decree issued by JRN Rajasthan Vidyapeeth, Udaipur and thereafter only, the petitioner was admitted for the ME course in the 2nd respondent college. The petitioner was also permitted to continue his study from the year 2016-2018 and thereafter, the impugned order came to be passed in the year 2020. Out of 20 papers in the Master Decree, the petitioner passed 17 papers and he has to appear for three more papers and at this point of time, without affording an opportunity to the petitioner and without conducting an enquiry, the 1st respondent has passed the impugned order dated 23.12.2020. Pursuant to this order, the 1st respondent University has also prevented the petitioner to purse his study in the 2nd respondent Institution. Hence, the petitioner has filed this writ petition as against the order dated 23.12.2020.

3. Mr.L.P.Shanmugasundaram, learned Standing Counsel for the 1st respondent University submitted that the impugned order came to be passed based on the orders of the Hon'ble Supreme Court in SLP.No. 19807 & 19808 of 2012 in the matter of Orissa Lift Irrigation Corp Ltd., Vs. Rabi Sankar Patro & Others. He further submitted that an opportunity of hearing was also provided to the petitioner and the petitioner has been requested to give his explanation vide letter No. 9112 / COE / C30 /2020 dated 18.11.2020. The petitioner has also sent a reply dated 15.12.2020 to the 1st respondent and based on his reply and upon considering the orders of the Hon'ble Supreme Court, the first respondent University has passed the order.

4. This Court paid its anxious considerations to the rival submissions made and also perused the available materials on record.

5. The Hon'ble Supreme Court of India in Orissa Lift Irrigation Corporation Ltd., Vs. Rabi Sankar Patro & Others [Civil Appeal Nos. 17869 – 17870 / 2017, dated 03.11.2017], has passed the following order:

> "53. VII) As regards students who were admitted after the Academic Sessions 2001-2005, their degrees in Engineering awarded by the concerned Deemed to be Universities through distance education mode stand recalled and be treated as cancelled. All benefits secured by such candidates shall stand withdrawn as indicated in Para 48 above. However, the entire amount

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paid by such student to the concerned Deemed to be Universities towards tuition fees and other expenditure shall be returned by the concerned Deemed to be Universities by 31.05.2018, as indicated in Para 48."

6. On applications being made seeking clarification and modification of the abovesaid judgment, the Hon'ble Supreme Court in M.A.Nos.1795-1796 of 2017, dated 22.01.2018, has granted one time relaxation in afvour of those candidates who were enrolled during the Academic Years 2001-2005 and has held as follows:

"7] We now turn to the general submission advanced by all the learned counsel that the candidates after securing the degrees in Engineering through distance education mode, have advanced in career and that their ability was tested at various levels and as such requirement of passing the examination in terms of the judgment be dispensed with in their case. We cannot make any such exception. The infirmity in their degrees is basic and fundamental and cannot be wished away. At the same time, we find some force in their submission that if the suspension of their degrees and all advantages were to apply as indicated in the judgment, the concerned candidates may lose their jobs and even if they were to successfully pass the test, restoration of their jobs and present position would pose some difficulty.

We, therefore, as a one-time relaxation in favour of those candidates who were enrolled during the academic years 2001-2005 and who, in terms of the judgment, are eligible to appear at the test to be conducted by AICTE, direct:-

a] All such candidates, who wish to appear at the forthcoming test to be conducted by AICTE in May-June 2018 and who exercise option to appear at the test in terms of the judgment, can retain the degrees in 23 question and all the advantages flowing therefrom till one month after the declaration of the result of such test or till 31.07.2018 whichever is earlier.

b] This facility is given as one-time exception so that those who have the ability and can pass the test in the first attempt itself, should not be put to inconvenience. If the candidates pass in such first attempt, they would be entitled to retain all the advantages. But if they fail or choose not to appear, the directions in the judgment shall apply, in that the degrees and all advantages shall stand suspended and withdrawn. At the cost of repetition, it is made clear that no more such chances or exceptions will be given or made. They will undoubtedly be entitled to appear on the second occasion in terms of the judgment but this

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exception shall not apply for such second attempt.

c] We direct AICTE to conduct the test in May-June 2018 and declare the result well in time, in terms of our directions in the judgment and this Order. AICTE shall however extend the time to exercise the option to appear at the test suitably.

8] Except for the directions given in the preceding paragraph i.e. paragraph 7 and the clarification as regards courses leading to award of diplomas as mentioned hereinabove, we reject all the other submissions."

7. The petitioner has persued his B.Tech Course through distance education mode from JRN Rajsathan Vidyapeeth University and these certificates were held to be invalid by the Hon'ble Supreme Court in the above said judgments. However, the Hon'ble Supreme Court gave an one time relaxation in favour of those candidates, who have enrolled during the academic year 2001 – 2005. The petitioner has studied the course through distance education from the University at Rajasthan in the year 2011-2014 and therefore, the petitioner cannot avail the benefits of relaxation granted by the Hon'ble Supreme Court for those candidates, who were enrolled during the year 2001 – 2005.

8.Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

To:

1.The Registrar,
Anna University,
Sardar Patel Road,
Chennai – 600 025.

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PCH(CO)
CB(20/07/2021)

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