



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29005 of 2011

Ms. Bhuvani,

...Petitioner

Vs.

1.The Vice Chancellor
University of Madras
Chepauk, Chennai 600005

2.The Registrar,
University of Madras
Chepauk, Chennai 600005

3.The Controller of Examinations,
University of Madras,
Chepauk, Chennai 600005

4.Sridevi Arts and & Science College
Rep. by its Prinicipal
Krishnapuram,
Ponneri
Tiruvallur District

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 - 3 to pay a sum of Rs.2,00,000/- towards the compensation for their gross negligence in failing the petitioner in Business Taxation (SY6J) conducted by the University of Madras during the month of April-May 2010 and cost of this litigation.

For Petitioner : Mr.S.Thirumavalavan

For R1 to R3 : Mr.L.P.Shanmugasundaram

For R4 : No Appearance



O R D E R

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to pay a sum of Rs.2,00,000/- towards the compensation for their gross negligence in failing the petitioner in Business Taxation (SY6J) conducted by the University of Madras by the month of April-May 2010 and cost of this litigation.

2. The grievances of the writ petitioner is that, she joined B.Com three year's course in the 4th respondent-College during the Academic Year 2007-08. She passed out all the papers in all five semesters.

3. The petitioner states that she appeared for the 6th Semester, which is the final Semester examinations conducted by the University of Madras, during the month of April/May 2010. The examination results were published through Internet and to her shock, the University failed the writ petitioner in one subject namely Business Taxation (SY6J) and provided 20 marks in that subject and the petitioner filed an application for revaluation of the said paper.

4. The 3rd respondent College informed the petitioner that there was no change in the marks after revaluation. Subsequently, the petitioner found that answer script verified by the respondents was in Tamil, whereas, she had written her examination in English. She had written the Business Taxation paper in 33 pages and the University provided only 13 pages. Thus, the petitioner along with her father, approached the respondents 2 and 3 and informed about the discrepancy in verifying the answer script of the petitioner. Finally, after great difficulty, the petitioner could able to establish that there was a mistake on the part of the respondent / University.

5. The University subsequently corrected the mistake and awarded the marks in favour of the petitioner and thereafter, issued the mark sheet and degree certificate.

6. The learned counsel for the petitioner states that the petitioner undergone mental agony and at the first instance, her claim was rejected by the 3rd respondent College and because of that, she lost considerable length of time and suffered a lot. Thus, a compensation is to be granted.

7. Undoubtedly, the petitioner suffered mental agony due to the mistake committed by the respondent University.



Administrative errors are common and such errors are being committed in Government Departments, Institutions and by Parties. Every such administrative error cannot be a ground to claim monetary compensation. Undoubtedly, in case of accidents due to the negligence or lapses, Courts are granting compensation. However, in case of commission of errors in records, the Court has to find out, whether such error is committed willingly and intentionally. If any such error is committed with an intention to defraud or to cause injustice, then suitable orders are to be passed. However, the Madras University being a large institution, wherein such arithmetic errors may be possible then and there. However, the authorities must readily come forward to correct the same and in the present case due to wrong identification of answer script the mistakes crept in and subsequently, the said mistake was identified and the marks were corrected. In this regard, paragraph 4 of the counter affidavit filed by the Registrar, University of Madras is relevant, which reads as under:

"4. It is her further contention that only by mistake necessary application by furnishing the Xerox copy of the answer script, she came to understand that the University had provided marks obtained by some other student and not hers when factually she had obtained 62 marks out of 100. The petitioner contends that by the wrong information furnished by the university, both in terms of marks at the first instance and at the time of seeking revaluation, they had prevented her from pursuing her higher education by joining PG course in the following academic year 2010-2011."

8. It is needless to state that, whenever such errors are identified by the competent authorities, no doubt, appropriate actions are to be initiated against the officials, who have committed such errors. Even in such cases, the authorities are bound to conduct an enquiry and find out if there is any intention or not. Certain inadvertent entries or errors committed on account of large quantity of work, then the authorities need not be penalized so also the officials, who all are working.

9. Public services are undoubtedly difficult and more specifically, when large number of candidates are writing examinations in University like University of Madras and entries are made in huge numbers, and there is a possibility of human errors in typing the marks and it is always open to the persons, who are aggrieved to approach the University and in



such circumstances, the University must also fairly act and correct such mistakes by following the procedures as contemplated.

10. In the present case, the error was accepted by the respondent University and it was corrected and the revised mark sheet was issued to the petitioner.

11. Under these circumstances, this Court record the fact that the mistake committed by the University was corrected and the petitioner is expected to satisfy with that and in the event of getting any public employment, the petitioner must act diligently without committing any such mistakes affecting the public.

12. With these observations, the Writ Petition stands disposed of. No costs.

s/d-
Assistant Registrar

//True Copy//

Sub-Assistant Registrar

Jeni/Nti
To

- 1.The Vice Chancellor,
University of Madras,
Chepauk, Chennai 600005.
- 2.The Registrar,
University of Madras,
Chepauk, Chennai 600005.
- 3.The Controller of Examinations,
University of Madras,
Chepauk, Chennai 600005.

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KG(CO)
SP(02/12/2021)