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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.10309 of 2019
and WMP.Nos.10860 & 10862 of 2019

A.Dinesh Kumar

... Petitioner

Vs.

1. The Controller of Examinations,
Anna University, Chennai.

2. The Registrar,
Anna University,
Chennai.

3. The Principal,
Jeppiar Institute of Technology,
Jeppiar Nagar, Kunnamm,
Sriperumbudur Taluk,
Kanchipuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the entire records pertaining to the impugned order in Lr. No.7704.COE/C70/MP/2019, dated 19.03.2019 passed by the first respondent and to quash the same.

For Petitioners : Mr.S.Prabhu

For Respondents : Mr.M.Vijayakumar R1 & R2

O R D E R

This Writ Petition has been filed to quash the proceedings in Lr. No.7704.COE/C70/MP/2019, dated 19.03.2019 passed by the first respondent.

2. The case of the petitioner is that he had completed Diploma in Electrical and Electronics Engineering. Thereafter, he joined Jeppiar Institute of Technology, affiliated to Anna



University, as a lateral Entry in B.E. Electrical and Electronics Engineering for the academic year 2012-2015 and he completed the course in the year May 2015. After completion of the course, the petitioner had 10 papers arrears out of 37 papers. The petitioner appeared for examinations to clear out the arrears during the years 2015, 2016 and 2017.

3. While that being so, the first respondent University issued a memo dated 02.07.2018 to the petitioner to appear on 06.07.2018 before the Committee, which was constituted by the University, for the malpractice done by him in the November/December 2017 examinations. The petitioner has also given explanation for the complaint. After nine months, the first respondent cancelled the written examination in November 2017 and passed an impugned order dated 19.03.2019. Seeking to quash the said impugned order, the present writ petition has been filed before this Court.

4. The learned counsel for the petitioner submitted that the petitioner has made several attempts since 2015 onwards to clear out the arrears papers. The first respondent has failed to consider the fact that the Committee accepted the petitioner's explanation after verification of the petitioner's answer papers. The first respondent has mechanically without application of mind, passed the impugned order, which is liable to be quashed.

5. The learned counsel for the respondents submitted that the enquiry committee which was constituted by the University to enquire into the malpractices committed by the students and faculty members in the November/December-2017 examinations found that the students colluded with the zonal office staff by taking out the answer papers and filling up the answers in the answer sheet outside the examination hall and later, it was inserted in the bundle with the help of the zonal staff, after receiving money from the candidate. Based on the confession statement given by the temporary staff, the charges and the irregularities committed by them in the examinations stood proved and the University have passed a resolution terminating the service of the temporary staff of the zonal offices. Therefore, the respondents have rightly cancelled the examinations written by the petitioner and there is no reason to interfere with the same. Hence, the writ petition is liable to be dismissed.

6. Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for the respondents 1 and 2 and perused the materials available on record.



7. The petitioner has no case that he was not given an opportunity to put forth his defence and that an ex-parte order of cancellation of the examination results was passed behind his back. The petitioner was given due opportunity and after satisfying itself, the first respondent has passed the impugned order cancelling the results of the petitioner for the examination conducted during November/December 2017. There seems to have been large scale malpractice taken place with the active connivance of the staff working in the zonal offices in the University. On completion of enquiry, the University has taken a decision to terminate the service of the temporary staff who are found to be involved in the malpractice. The petitioner has no case that principle of natural justice was not followed at that time of passing the impugned order. The petitioner cannot find fault with the impugned order for the simple reason that he was given permission to register and appear the examinations conducted during April and May 2019. It is not known whether the petitioner has availed of such an opportunity given by the University. The University has not taken any harsh decision of the debarring the petitioner. Therefore, the petitioner cannot have any grievance against the University. This Court does not find any merits in the order passed by the first respondent and the writ petition is devoid of merits and the same is liable to be dismissed.

8. In the result, the Writ Petition is dismissed. However, liberty is granted to the petitioner to apply and write the examination in the error papers in future. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

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To

1. The Controller of Examinations,
Anna University, Chennai.

2. The Registrar,
Anna University,
Chennai.



+1cc to Mr.S.Prabhu, Advocate SR.No.60926

+1cc to Mr.M.Vijayakumar, Advocate SR.No.60794

+1cc to Mr.K.V.Sajeev Kumar, Advocate SR.No.61193

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KSM(CO)
CB(11/01/2022)