

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2021

CORAM:

THE HONOURABLE Mr.JUSTICE N.ANAND VENKATESH

W.P. No.15282 of 2021
and WMP Nos.16169 and 16170 of 2021

S.Saranya

.. Petitioner

Vs

- 1.The Chairman
University Grants Commission
New Delhi 110002
- 2.The Secretary
Ministry of Education,
Shastri Bhavan, Dr.Rajendra Prasad Road,
New Delhi.
- 3.The Secretary to Government
Ministry of Education,
Fort St. George, Chennai 6
- 4.The Controller of Examinations,
Anna University
Guindy, Chennai 35.
- 5.The Registrar,
Amrita Vishwa Vidyapeetham
Amrita Nagar, Ettimadai
Coimbatore

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records relating to the impugned removal letter dated 4th May 2021 issued by the 5th respondent and to quash the same as illegal, without authority of law, arbitrary and contrary to law.

For Petitioner : Mr.S.Krishnakumar

For Respondents : Mr.A.Selvendran
Government Advocate for R3
Mr.L.P.Shanmugasundaram for R4
Ms.V.Sudha for R1 & R2

ORDER

This writ petition has been filed questioning the impugned removal letter issued by the 5th respondent dated 04.05.2021, whereby the petitioner was removed from the rolls and consequently the MBA programme that she was undergoing came to a grinding halt.

2. The case of the petitioner is that she was studying B.Sc., Computer Systems and Design Program Degree Course in PSG College of Technology, Coimbatore. This course was for a period of three years starting from the academic year 2017 and ending in the academic year 2020. The further case of the petitioner is that the final semester examination should have been conducted during March/April 2020. However, the same was not conducted due to the pandemic situation. During the final semester, the petitioner also had three arrears paper. The petitioner was confident that she will complete the final year and also the arrears paper. Based on this expectation, the petitioner seems to have submitted an application for the MBA course before the 5th respondent for the academic year 2020-21. This course is for a period of two years and it would have ended in the year 2022. The petitioner went through the admission process and she was given admission to the MBA course by the 5th respondent subject to the condition that the petitioner produces the mark list for the completion of the UG programme by 15th of September 2020. The petitioner was also further directed to produce the degree certificate on or before 31.12.2020.

3. The grievance of the petitioner is that the exams were not conducted on time and ultimately, the final year semester examinations along with arrears examination were conducted only in the month of January '2021. According to the petitioner, she had cleared all the subjects.

4. In the meantime, the 5th respondent issued a communication to the petitioner on 27.07.2020 informing the petitioner that the petitioner has not submitted the degree certificate and the mark sheets. The 5th respondent through the impugned letter dated 04.05.2021 removed the petitioner from the rolls, since the petitioner did not satisfy the minimum eligibility criteria and submitted the proof for the same. Aggrieved by the same, the present writ petition was filed before this Court.

5. Heard the learned counsel for the petitioner, the learned standing counsel for the respondents 1 and 2, the learned Government Advocate for the third respondent and the learned counsel appearing on behalf of the 4th respondent.

6. The learned counsel for the petitioner submitted that the mark statement was issued to the petitioner only on 10.03.2021 and this delay cannot be attributed against the petitioner. The learned counsel submitted that the petitioner has completed the first year and she has also written two examinations. At this point of time, the impugned removal letter was issued by the 5th respondent. The learned counsel submitted that the pandemic situation must be taken into consideration by this Court and the education of the petitioner should not get affected due to factors, which are beyond the control of the petitioner.

7. In the present case, the application form that was submitted by the petitioner was brought to the notice of this Court. In the said application form, there is a specific column, which seeks for an information from the applicant as to whether there are any arrears or backlogs to be cleared. The petitioner has stated in the column as "No". This information given by the petitioner, on the face of it, is false, since at the time when the application was submitted on 26.01.2020, there were three arrear papers and it is seen from the mark sheets that two arrear papers pertain to the second semester, where the petitioner had made nearly five attempts to complete it and one of the arrear papers pertains to the third semester, where again the petitioner had attempted four times to clear this paper. The petitioner, for reasons best known to her, concealed the fact that there were three arrear papers that remain to be cleared by the petitioner. Probably if the petitioner had given the correct particulars, the 5th respondent would not have proceeded further to admit the petitioner. Since the petitioner had informed that there are no arrears paper, the 5th respondent has proceeded to admit the petitioner subject to the condition that she will produce the necessary mark sheets and degree certificates, after completing the final semester. This conduct of the petitioner is fatal to the claim made by the petitioner.

8. The petitioner cannot put the blame on the pandemic situation, since the petitioner had chosen not to give the correct particulars regarding the arrear papers and this obviously cannot be attributed to the COVID-19 Virus. Therefore, the petitioner trying to put the entire blame on the pandemic situation may not be right and the petitioner has to blame herself for her conduct.

9. In the considered view of this Court, the 5th respondent was perfectly right in removing the petitioner from the rolls, since the petitioner did not satisfy the eligibility criteria within the time stipulated. This Court would have considered in favour of the petitioner, if at least the petitioner was only having the final semester papers to be cleared. However, since the petitioner had arrear papers and the same was also concealed

by the petitioner, this Court cannot go to the aid of the petitioner and perpetuate the illegality.

10. In view of the above discussion, this Court does not find any ground to interfere with the removal letter issued by the 5th respondent. The petitioner herself had made a representation before the 5th respondent on 05.05.2021 to the effect that she will withdraw from the MBA course and had requested the 5th respondent to consider admitting her during the academic year 2021-22. In view of this stand taken by the petitioner and considering the fact that the petitioner must be given an opportunity to undergo the MBA course in the 5th respondent College, there shall be a direction to the 5th respondent to permit the petitioner to participate in the admission process in the MBA course during the academic year 2022-23. The learned counsel for the petitioner submitted that the petitioner had paid substantial fees to the 5th respondent and the same shall also be directed to be adjusted, if the petitioner is admitted during the academic year 2022-23. Insofar as this request is concerned, it is left open to the 5th respondent, who shall consider the same, if the petitioner is admitted and take a decision.

11. This writ petition is disposed of with the above direction. No costs. Consequently connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

RR

To

1. The Chairman
University Grants Commission
New Delhi 110002
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Shastri Bhavan, Dr.Rajendra Prasad Road,
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Fort St. George, Chennai 6

4. The Controller of Examinations,
Anna University
Guindy, Chennai 35.

+1cc to M/s.V.Sudha, Advocate, S.R.No.49682
+1cc to M/s.K.Govi Ganesan Advocate, S.R.No.49892
+1cc to the Government Pleader, S.R.No.50520

W.P.No.15282 of 2021

RLD(CO)
CT/13/10/2021