



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.Nos.16213, 12370 and 12612 of 2020

WP No.16213 of 2020

B.Ramkumar Adityan

..Petitioner

Vs

- 1 Principal Secretary
Higher Education Department
Government of Tamil Nadu
Chennai-600 009.
- 2 The Chairman
University Grants Commission
Bahadur Shah Zafar Marg
New Delhi- 110 002.
- 3 The Registrar
Anna University
Guindy Chennai- 600 025.
- 4 The Registrar
Tamil Nadu Dr.Ambedkar Law University
No.5. Dr. D.G.S.Dinakaran Salai
Chennai- 600 0028.
- 5 The Registrar
University of Madras Chepauk
Triplicane
Chennai- 600 005.
- 6 The Registrar
Alagappa University
Karaikudi- 630 003.
- 7 The Registrar
Annamalai University
Chidambaram- 608 002.



8 The Registrar
Bharathidasan University
Thiruchirappalli- 620 024.

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9 The Registrar
Bharathiyar University
Coimbatore- 641 046.

10 The Registrar
Madurai Kamaraj University
Madurai- 625 021.

11 The Registrar
Manonmaniam Sundaranar University
Tirunelveli- 627 012.

12 The Registrar
Mother Teresa Women University
Tirunelveli- 627 012.

13 The Registrar
Periyar University
Salem- 636 011.

14 The Registrar
Tamil University
Thanjavur- 613 010.

15 The Registrar
Thiruvalluvar University
Serkadu Vellore- 632 115.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the Respondents No.3 to 15 to announce and publish result of Arrears Paper of students without undergoing examination for Arrears Paper and Consequently direct the Respondents No. 3 to 15 to conduct Arrears Examination by issuing Fresh Examination Notification within stipulated time and Pass.

For the Petitioner : Mr.S.Sankar

For the Respondents : Mrs.R.Anitha,
Government Advocate
for the first respondent

Mrs.V.Sudha,
Standing Counsel,
for the second respondent



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Mr.M.Vijayakumar,
for the third respondent
Mr.Karthik Rajan,
Senior Standing counsel,
for the fourth respondent
Mr.L.P.Shanmugasundaram,
for respondents 5 and 9

Mr.Godson Swaminathan,
for M/s.Isaac Chambers,
for respondents 6, 7, 10, 13 & 14

Mr.V.Govardhan,
for M/s.Row and Reddy,
for the eight respondent

Mr.M.C.Swamy,
for the 15th respondent

No appearance
for respondents 11 and 12

WP No.12612 of 2020

Prof Dr.E.Balaguruswamy

...Petitioner

Vs

- 1 The Principal Secretary
Department of Higher Education
Government of Tamilnadu
Fort St.George
Chennai - 600009
- 2 The Member Secretary
All India Council for technical Education
(AICTE) Nelson Mandela Marg
New Delhi - 110070
- 3 The Secretary
University Grant Commission Bahadthurshah
Zafar marg New Delhi
- 4 The Secretary
Ministry of Human Resource Department
Shastri Bhavan New Delhi



5 Karthick Balaji
(R5 IMPEADED VIDE
ORDER DT 29.10.20

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for records relating to impugned G.O.No.125 dated 26.08.2020 issued by the 1st respondent and quash the same as illegal Arbitrary unconstitutional and pass.

For the Petitioner : Mr.E.Vijay Anand

For the Respondents : Mrs.R.Anitha,
Government Advocate
for the first respondent

Mrs.AL.Gandhimathi
for the second respondent

Mrs.V.Sudha,
Standing Counsel,
for the third respondent

No appearance
for respondents 4 and 5

WP No.12370 of 2020

B.Ramkumar Adityan

...Petitioner

Vs

- 1 The Secretary
Department of Higher Education
Ministry of Education
No 122/c Shastri Bhavan
New Delhi 110 001
- 2 Principal Secretary
Higher Education Department
Govt of Tamil Nadu chennai-9
- 3 The Chairman
University Grants Commission
Bahadur Shah Zafar Marg
New Delhi- 110002



4 The Chairman,
All India Council for Technical Education,
Nelson Mandla Marg, Vasanthkunj,
New Delhi- 110070

...Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records with respect to the Govt order (D) No 125 of Higher Education (k2) department dated 26.8.2020 of the Respondent No 2 Uploaded in the website of the 2nd Respondent and quash the same as illegal and subsequently direct the Respondent No 2 to conduct examination for Arrear Papers for all students as per guidelines dated 29.4.2020 and 6.7.2020 of the 4th Respondent.

For the Petitioner : Mr.S.Sankar

For the Respondents : Mrs.R.Anitha,
Government Advocate
for the second respondent

Mrs.V.Sudha,
Standing Counsel,
for the third respondent
Mrs.AL.Gandhimathi
for the fourth respondent

No appearance
for respondent 1

COMMON ORDER

The Petitioners in these public interest litigation ventilate the grievance that students who have undergone the final year of various courses of study during the academic year 2019-2020 in Universities and other collegiate institutions across the State of Tamil Nadu have been declared to have passed and successfully completed without appearing for the prescribed examination by the impugned order issued by the Government of Tamil Nadu in G.O.No.125, Higher Education Department dated 26.08.2020, on merely remitting fees taking undue advantage of the COVID pandemic situation.

2. Ms. V.Sudha, Learned Standing Counsel appearing for the University Grants Commission has brought to notice that the advisories dated April 29, 2020 and July 06, 2020 issued by the University Grants Commission on conduct of examination for the relevant academic year had come up for consideration before the Hon'ble Supreme Court of India in Praneeth.K -vs- University Grants Commission (UGC) (Writ Petition (Civil) No.724 of 2020)



and by an order dated August 28, 2020 therein, directions have been given as to the manner in which the passing of examination and successful completion of courses of study by the students would have to be dealt with.

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3. Ms.Anitha, learned Government Advocate representing the Government of Tamil Nadu submits that in compliance of the said directions as well as the subsequent orders passed by this Court from time to time in this matter, examinations have been duly notified and conducted by the universities and educational institutions. It is sought to be conveyed that as consequence thereof, the impugned order in G.O.No.125, Higher Education Department dated 26.08.2020 cannot be now construed as conferring any automatic right on a student to be entitled to be declared as having successfully completed the relevant course of study without having appeared for the prescribed examination and satisfied the other conditions in that regard.

4. The aforesaid submissions made, which are placed on record, make it clear that a certificate of passing an examination or the successful completion of any relevant course of study cannot be granted to any student without fulfilling the requirements of appearing in an examination and satisfying the other prescribed conditions. Nothing remains for further consideration in these cases.

5. In the result, W.P.Nos. 16213, 12370 and 12612 of 2020 stand disposed. Consequently, W.M.P.Nos.20240, 20241, 15564, 15229, 15566, 15226, 17337 of 2020 and 3171 of 2021 are closed. There will be no order as to costs.

s/d-
Assistant Registrar(CS VI)

True Copy

Sub-Assistant Registrar

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To:

- 1 Principal Secretary
Higher Education Department
Government of Tamil Nadu
Chennai-600 009.
- 2 The Chairman/Secretary
University Grants Commission
Bahadur Shah Zafar Marg
New Delhi- 110 002.



- 3 The Registrar
Anna University
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Periyar University
Salem- 636 011.
- 14 The Registrar
Tamil University
Thanjavur- 613 010.



15 The Registrar
Thiruvalluvar University
Serkadu Vellore- 632 115.

16 The Member Secretary
All India Council for technical Education
(AICTE) Nelson Mandela Marg
New Delhi - 110070

17 The Secretary
Ministry of Human Resource Department
Shastri Bhavan New Delhi

18 The Secretary
Department of Higher Education
Ministry of Education
No. 122/C Shastri Bhavan
New Delhi 110 001

19 The Chairman,
All India Council for Technical Education,
Nelson Mandla Marg, Vasanthkunj,
New Delhi- 110070

20. The Secretary
Universirty Grants Commission
Bahadurshah
Zafar Marg, New Delhi

+1 CC to The Government Pleader sr 55010.
+1 CC to Ms.V. Sudha, Advocate sr 54288
+1 CC to Mr.M.Vijayakumar, Advocate sr 54803.
+1 CC to M/s. Isaac Chambers, sr 54557
+1 CC to Mr.E.Vijay Anand, advocate sr 54339
+1 CC to M/s. Row and Reddy, Advocate sr 54291.

W.P.Nos.16213, 12370 and 12612 of 2020

SJ(CO)
SP(01/11/2021)