



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.24628 of 2021

B.Sivakumar

... Petitioner

-Vs-

1.The Vice Chancellor,
Anna University,
Sardar Patel Road,
Guindy, Chennai-25.

2.The Registrar,
Anna University,
Sardar Patel Road,
Guindy, Chennai-25.

3.The controller of Examinations,
Anna University,
Sardar Patel Road,
Guindy, Chennai-25.

4.The Principal
School of Architecture,
Collece code:3114, M.Arch, code:566
Meenakshi College of Engineering,
No.12, Vembuli Amman Koil Street,
Nesapakkam, KK.Nagar,
Chennai-78.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first respondents the first respondent / Vice Chancellor of Anna University to conduct an enquiry by constituting a committee.

For Petitioner : Mr. A.J.Mohamed Kasim

For Respondents : No appearance

O R D E R

This Writ Petition has been filed to issue a writ of mandamus directing the first respondent of Anna University to conduct an enquiry by constituting a committee.



2. The case of the petitioner is that he is a student in the 4th respondent College viz., Meenakshi College of Engineering, which is affiliated to Anna University. The petitioner has joined in Master of Architecture (M.Arch.) in the year 2019 in the 4th respondent college. After completing the course, the petitioner has received his transfer certificate.

3. Generally, marks would be awarded by colleges, where students are studying, for internal examinations based on the submission of the projects and designs submitted by the students. In the present case, in order to promote one Ms. A.S.Yasmin, the 4th respondent college awarded top rank to her and deprived the other students including the petitioner. In this regard, the petitioner has made a representation dated 09.06.2021 via e-mail to respondent Nos. 1 to 3 to conduct an enquiry by constituting a Committee in terms of the Statute 7.3 for Affiliation 2004 read with Regulation 22 of the Regulations for Affiliation, 2004. Till date, neither the representation was considered nor order was passed, which compelled the petitioner to come before this Court seeking appropriate relief.

4. The learned counsel for the petitioner submitted that this Court may issue a direction to the respondents to consider the petitioner's representation dated 09.06.2021 within the stipulated time as fixed by this Court.

5. Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing for respondent Nos. 1 to 3, and perused the materials available on record.

6. It is the case of the petitioner that he has joined the 4th respondent college in the course of M.E. (Architecture) and subsequently, he has completed the degree and he also has obtained his Transfer Certificate from the official respondent. It is the further case of the petitioner that he has got top rank in all semesters including final semester, but the respondent college has awarded top rank to one Ms. A.S.Yasmin. Aggrieved by the same, the petitioner made a representation to the official respondents to conduct enquiry by constituting a Committee. Since inaction on the part of the official respondents, this writ petitioner has filed this writ petition.

7. For better appreciation, Statutes 7.3 of Affiliation 2004 is extracted as follows:-

''7.3 Inspection Committee On receipt of the application from the college for affiliation, for each of the academic programme(s) satisfying the pre-requisite for applying for affiliation, an Inspection Committee shall be constituted as per the Regulations. The committee shall inspect and submit a report to the University in the format specified in the Regulations''.

<https://hcservices.ecourts.gov.in/hcservices/>

Regulation 22 Inspection Committee for Affiliation (vide Section 7.3 of the Statutes) is also extracted hereunder:-



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"Inspection Committee for Affiliation of academic programme(s) shall be constituted by the Registrar from out of the panel of experts approved by the Vice-chancellor from time to time for considering the grant of affiliation for the academic programme(s). The Inspection Committee shall visit the college and verify the correctness of the particulars furnished by the college in the application and also verify whether all the affiliation conditions laid down by the University are satisfied. The committee shall submit a report to the University in the prescribed format. The Committee shall have a minimum of 2 members, preferably from among senior faculty members of the University / colleges, or former faculty members of the University / colleges, or experts from the industries / organizations. In case of exigency a one-man Inspection Committee may be constituted to verify the compliance report submitted by the college. The committee shall submit a report to the university in the format as specified in Annexure 14."

8. In the present case, the petitioner made an allegation against the fourth respondent college as if the college has given top rank to one Ms. A.S.Yasmin without any basis. Since the provisions mentioned by the petitioner is not applicable to the case on hand and in the absence of provisions for taking action against the fourth respondent college, this Court cannot issue any positive direction to the petitioner. The petitioner has approached a wrong forum claiming his rights, which cannot be decided by this Court under Article 226 of Constitution of India, more particularly, as it involves appreciation of facts.

9. In view of the above discussion, this Court does not find any ground to entertain this Writ Petition. Accordingly, the same is dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Vice Chancellor,
Anna University,
Sardar Patel Road,
Guindy, Chennai-25.



2.The Registrar,
Anna University,
Sardar Patel Road,
Guindy, Chennai-25.

WEB COPY

3.The Controller of Examinations,
Anna University,
Sardar Patel Road,
Guindy, Chennai-25.

+lcc to Mr. A.J.Mohamed Kasim, Advocate SR. No.59900

W.P. No. 24628 of 2021

BS (CO)
PR (10/12/2021)