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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.26334, 26339, 26343 and 26346 of 2021

and

W.M.P.Nos.27810, 27816, 27817, 27820, 27821, 27822, 27823 and
27808 of 2021

S. Karthikeyan	... Petitioner in W.P.No.26334 of 2021
A. Dhilshan Sai Reddy	... Petitioner in W.P.No.26339 of 2021
A. Anitha Raj	... Petitioner in W.P.No.26343 of 2021
Ashwin Muthusamy.G	... Petitioner in W.P.No.26346 of 2021

vs

1. Tamil Nadu Agricultural University,
Rep. By its Registrar,
Coimbatore-641003, Tamil Nadu.
2. Controller of Examinations,
Tamil Nadu Agricultural University,
Coimbatore-641003, Tamil Nadu.
3. Adhiparasakthi Agricultural College,
Rep. By its Principal,
G.B. Nagar, Kalavai-632 506,
Ranipet District. ...Respondents(in all W.P's)

COMMON PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents and forbearing them from conducting any re-examination with respect to the examinations held during Semester July-November 2021.

For Petitioners : Mr.I.Abrar MD Abdullah
(in all W.P's)

For Respondents R1 & R2 : Mr.Abdul Saleem
(in all W.P's)

O R D E R

The petitioners have filed these Writ Petitions seeking issuance of Writ of Mandamus directing the respondents and forbearing them from conducting any re-examination with respect to the examinations held during Semester July-November 2021.



2. The case of the petitioners is that they have joined the B.Sc., (Agri) undergraduate program in the 3rd respondent institution. Due to pandemic, the examination for reappearance was held during July 2021 after 2019 through EFH (Exam from Home) App and the students have downloaded the app through link sent by the 2nd respondent and the petitioners have also successfully submitted their papers without any glitch and the same was acknowledged by the said EFH by giving a tick entry. The result of the said examination was published on 02.12.2021 and the petitioners were marked as 'Fail' and placed in 'M' list denoting that the petitioners have performed some malpractice and similarly several students i.e., about 90% of the students have been marked as 'F'. While being so, the 2nd respondent is attempting to conduct the reappearance examination again through circular dated 02.12.2021 in a very short period and deadline was fixed as 08.12.2021 for registration and the date of examination has been tentatively fixed as 13.12.2021, and the students should attend the examination through physical mode at 1st respondent's premises. Hence, the present petitions are filed.

3. The learned counsel for the petitioner submitted that the petitioners are not involved in any kind of malpractices. He also submitted that the 2nd respondents is attempting to conduct the reappearance examination again through circular dated 02.12.2021 in a hurried manner to cover up the discrepancy in the examination result which has ended in more than 90% of the students being failed. He further submitted that though the petitioners' results have been placed under 'M' category, the reason for the same was not communicated to the petitioners which is unlawful. Hence, he prays this Court to issue direction to the 2nd respondent to adjudicate whether the petitioners involved any malpractice and if it is satisfied that the petitioners are not involved in any kind of malpractice, the appropriate mark should be awarded to the petitioners and not to conduct the examination till the said exercise is completed. It is further submitted if malpractice is proved, it is open to the respondent to follow the Clause 12.3 of the Semester system Rules and regulations of TamilNadu Agricultural University.

4. The learned counsel appearing for the respondents submitted that the petitioners and other students have already been informed about the rules and regulations of the examination conducted through EFH app. Though some of the students were involved in malpractice, the university without, invoking the Clause 12.3 of the Semester system Rules and regulations of TamilNadu Agricultural University, they have decided to conduct a fresh physical examination and the last date for registration for arrear examination was extended to 15.12.2021 and thereafter the physical examination is going to be conducted. He also fairly conceded that the videos of the students recorded by the invigilator during the examination and which is with the 2nd



respondent will be provided for further enquiry to the 2nd respondent and the final decision may be made to the satisfaction of the 1st respondent and appropriate orders will be passed within the time stipulated by this Court.

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5. In view of the above submissions made by the respective learned counsel for the petitioner as well as the respondents, this Court is inclined to issue direction to the petitioner to appear before the 2nd respondent on 13.12.2021 and on the same date, the 2nd respondent may demonstrate the malpractices, if any, committed by the petitioners and thereafter, if there is any malpractice or not, the 2nd respondent is directed to forward the reports of the petitioners to the 1st respondent for taking appropriate action. Upon full satisfaction, the 1st respondent is directed to pass appropriate orders as expeditiously as possible preferably before arrear examination.

6. Accordingly, these Writ Petitions are disposed of. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

skt/anu

Copy To

1. The Registrar,
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Coimbatore-641003, Tamil Nadu.
2. The Controller of Examinations,
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Coimbatore-641003, Tamil Nadu.
3. The Principal,
Adhiparasakthi Agricultural College,
G.B. Nagar, Kalavai-632 506,
Ranipet District.

+4cc to Mr.J.Abrar Md.Abdullah, Advocate, S.R.No.65396

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AK(CO)
GN(09/12/2021)