

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.Nos.29384 & 32960 of 2018

and

W.M.P.Nos.34342 of 2018, 29915, 29918 of 2019, 38219 of 2018 &
17447 of 2020

(Through Video Conferencing)

Akhansha Murali,
D/o.Murali Krishnamoorthy Petitioner in both W.Ps

Vs.

- 1.The University,
Represented by its Registrar,
The Tamil Nadu Dr.Ambedkar Law University,
Green Ways Road,
Chennai - 600 028.
- 2.The Director,
School of Excellence in Law,
The Tamil Nadu Dr.Ambedkar Law University,
MGR Main Road, Perungudi,
Chennai - 600 096.
- 3.The Controller of Examination,
The Tamil Nadu Dr.Ambedkar Law University,
MGR Main Road, Perungudi,
Chennai - 600 096.
- 4.The Year Faculty, (4th Year) BBA LLB
The Tamil Nadu Dr.Ambedkar Law University,
MGR Main Road, Perungudi,
Chennai - 600 096. Respondents in both W.Ps

Prayer in W.P. No. 29384 of 2018: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to permit the petitioner (HC 15007) to sit for the 7th Semester Examinations in BBA LLB in the School of Excellence in Law, commencing on 03.11.2018, publish the result for the same.

Prayer in W.P. No. 32960 of 2018: Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to include the name of

the petitioner in the roll call for the 8th Semester BBA LLB Course and permit the petitioner to attend the classes scheduled for the 8th Semester during the current academic year 2018-2019 at the School of Excellence in Law at Taramani along with due attendance.

For Petitioner (in both W.Ps) : Mr.A.R.L.Sundaresan
for Ms.A.L.Gandhimathi

For Respondents (in both W.Ps) : Mr.V.M.G.Ramakannan

COMMON ORDER

The Petitioner has filed these writ petitions, seeking for issuance of a Writ of Mandamus, directing the respondents to permit the petitioner (HC 15007) to sit for the 7th Semester Examinations in BBA LLB in the School of Excellence in Law, commencing on 03.11.2018, publish the result for the same and include the name of the petitioner in the roll call for the 8th Semester BBA LLB Course and also permit the petitioner to attend the classes scheduled for the 8th Semester during the current academic year 2018-2019 at the School of Excellence in Law at Taramani.

2. By this common order, both these writ petitions are being disposed as the dispute lie in a short compass. The petitioner had shortage of attendance. Therefore she was not permitted to write examination during 7th & 8th semesters. Under these circumstances, the petitioner filed these writ petitions and obtained an Interim Order in W.P.No.29384 of 2018 dated 02.11.2018 and in W.P.No.32690 of 2018 dated 21.12.2018. The relevant portion of the orders are reproduced below:-

In W.P.No.29384 of 2018

"Without going into the merits of the case, having regard to the fact that the examinations are scheduled to be held on 03.11.2018 onwards, there shall be an interim direction, directing the respondents to issue hall ticket to the petitioner to write the examination for the 7th Semester in BBA LLB in the School of Excellence in Law commencing on 03.11.2018 pending disposal of the writ petition.

2. It is made clear that the interim direction granted by this Court is without prejudice to the contentions of the respondents in the main writ petition and no equity shall be claimed by the petitioner by virtue of this interim direction, permitting the petitioner to write the examination.

3. Mr.Nallathambi, learned Standing Counsel, takes notice for the respondents. Post the matter

after two weeks."

In W.P.No.32960 of 2018

"Learned counsel for the petitioner would submit that this Court, by order dated 01.22.2018 in W.P.No.29384 of 2018 and W.M.P.No.34342 of 2018 has given an interim direction and thereby permitted the petitioner to writ the 7th semester in B.B.A. L.L.B in the School of Excellence in Law and the same is given as under:

"Without going into the merits of the case, having regard to the fact that the examinations are scheduled to be held on 03.11.2018 onwards, there shall be an interim direction, directing the respondents to issue hall ticket to the petitioner to write the examination for the 7th Semester in BBA LLB in the School of Excellence in Law commencing on 03.11.2018 pending disposal of the writ petition.

2. It is made clear that the interim direction granted by this Court is without prejudice to the contentions of the respondents in the main writ petition and no equity shall be claimed by the petitioner by virtue of this interim direction, permitting the petitioner to write the examination."

2. He would further submit that the Division Bench of this Court on 12.12.2018 in W.P.No.33133 of 2018, while dealing with the similar and identical issue, taking note of Clause 2(d) in Chapter 4 of the Conduct of examination of the University and the conditions, has passed an interim direction which reads as follows:

"8. In the light of the above discussion, while ordering notice in the instant writ petition, we direct the respondents, to permit the writ petitioner, to attend second semester classes, for BCA.LLB (Hons) Degree Course, which had already commenced, on 04.12.2018, pending disposal of the instant writ petition."

3. In view of the above submission made by the learned counsel for the petitioner, the respondents are hereby directed to permit the petitioner to attend the classes scheduled for the 8th semester B.B.A. L.L.B. Course of the current academic year 2018-19 at the School of Excellence in Law at Taramani, subject to the result of the writ

petition.

4. It is made clear that no equity shall be claimed by the petitioner by virtue of this interim direction permitting the petitioner to write the examination.

5. Registry is directed to place the matter before the Hon'ble Division Bench of this Court."

3. Dealing with an identical issue, this Court, while disposing the W.P.No.29298 of 2018 vide order dated 27.02.2020, granted relief to the petitioner therein, though it has been stated that the said order shall not be cited as a precedent.

4. The operative portion of the order passed by the Hon'ble Division Bench of this Court in W.P.No.29298 of 2018 on 27.02.2020 is reproduced below:-

"7. It is to be noted that the petitioner joined the course during the academic year 2015-2016 and now she has also written all the examinations and awaits for the result. Even though the petitioner is not justified in filing the present writ petition, when she admittedly did not secure the requisite minimum percentage of attendance, taking note of the facts and circumstances that the petitioner had written all the examinations and now she is legitimately expecting her results for the VII, VIII and IX semester examinations to be declared, the results can be ordered to be declared. However, this order shall not be cited as a precedent. This order is passed only taking note of the peculiar facts and circumstances involved in this writ petition and this order cannot be taken as if this Court had condoned the lack of attendance on the part of the petitioner herein."

5. It has to be noted that having permitted the petitioner to write examinations pursuant to the interim directions of this Court, there is no justification in not publishing the results of the petitioner for the 7th, 8th, 9th & 10th semesters. In fact, she was allowed to write exams for 9th & 10th semesters by the respondent suo motu.

6. Since the facts are identical, these writ petitions stand disposed of by directing the respondents herein to publish the results of the petitioner for the 7th, 8th, 9th & 10th semesters. Such results may be published within a weeks time

from the date of receipt of a copy of this order. No costs. Consequently, connected writ miscellaneous petitions are also closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The University,
Represented by its Registrar,
The Tamil Nadu Dr.Ambedkar Law University,
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+2cc to Mr.A.L.Gandhimathi, Advocate, S.R.No. 691, 692

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GN(08/01/2021)