



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.8791 of 2021

K.Rajavelu

... Petitioner

Vs.

1.The Director of Technical Education,
Office of the Director of Technical Education,
Guindy, Chennai - 600 025.

2.The Principal,
GMSMVAMM Polytechnic,
Alagarkovil Road,
Madurai - 625 301.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to evaluate the hard copy of Engineering Mathematics (Subject Code 30012) sent through post on 17.12.2020 and to declare results.

For Petitioner : Mr.P.Balasubramanian

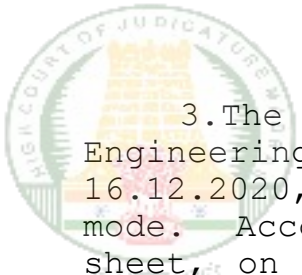
For Respondents : Mr.R.Sureshkumar for R1
Government Advocate

: Mr.V.P.Rajan for R2

ORDER

This writ petition has been filed for the issue of Writ of Mandamus directing the respondents to evaluate the hard copy of the answer sheet of Engineering Mathematics (Subject Code 30012), sent through post, on 17.12.2020 and to declare the results within the time limit fixed by this Court.

2.The case of the petitioner is that he is doing Diploma in Mechanical Engineering in the second respondent Polytechnic. The Diploma course consists of six semesters. The last and final semester examinations were conducted during the month of January 2021. The petitioner wrote the examinations for the 6th semester as well as his arrear papers.



3.The grievance of the petitioner is that he wrote the Engineering Mathematics (Subject Code 30012) exam, on 16.12.2020, between 03.00 p.m. to 05.00 p.m., through online mode. According to the petitioner, he had uploaded the answer sheet, on 16.12.2020 at 05.30 p.m. and he has also sent the hard copy, on 17.12.2020. The second respondent did not evaluate the Engineering Mathematics answer sheet and declare the results. Aggrieved by the same, the present writ petition has been filed before this Court, seeking for appropriate directions.

4.The second respondent has filed a counter in this case. The relevant portions in the counter affidavit are extracted hereunder:

"5.I submit that the writ petitioner appeared Engineering Mathematics examination on 16.12.2020 and other arrears examination on respective days. As per instruction of the first respondent, the writ petitioner did not upload the Engineering Mathematics answer sheet through Google Class room; however he managed to send hard copy of Engineering Mathematics answer sheet through post to the Polytechnic. Since the petitioner did not upload the answer sheet of the Engineering Mathematics, the second respondent could not get approval to evaluate the answer sheet as per instruction of the first respondent. The other papers were evaluated and declared result on account of fact that the writ petitioner uploaded the other papers answer sheet and sent those hard copies through post.

6.I submit that the writ petitioner approached the Poly with regard to non-declaration of the result of Engineering Mathematics. He was orally informed that the answer sheet of the Engineering Mathematics was not uploaded as per the instruction and as such the hard copy of the answer sheet could not be evaluated. The petitioner preferred representation, dated 12.04.2021 requesting the Polytechnic and the first respondent to evaluate the hard copy of the answer sheet taking in to account of his aspire to get B.E. admission based on the Diploma Course result.

7.I submit that the competent authority has issued instruction of examination guidelines to the students as well as

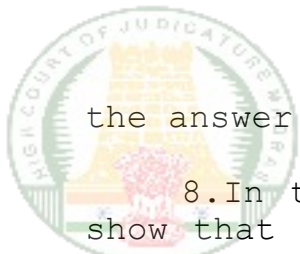


institution in order to avoid the malpractice in the examination process. The guidelines/instructions shall be complied without any violation. The second respondent polytechnic given by the first respondent. Hence there is no illegality or infirmity in refusing to evaluate the Engineering Mathematics answer sheet of the petitioner."

5. Heard Mr.P.Balasubramanian, learned counsel appearing for the petitioner, Mr.R.Sureshkumar, learned Government Advocate appearing for the first respondent and Mr.V.P.Rajan, learned counsel appearing for the second respondent.

6. The learned counsel for the petitioner submitted that the answer sheets for Engineering Mathematics exam was uploaded, on 16.12.2020 at 05.30 p.m. In order to substantiate the same, the learned counsel brought to the notice of this Court page No.1 of the typed set of papers, which contains the uploaded file details. It is seen from this document that an upload had taken place, on 16.12.2020 at 17.30 hrs. and it contains a document size 1.94 MB. The second respondent has taken a stand that they did not receive this answer sheet that was uploaded by the petitioner. The learned counsel for the second respondent by bringing to the notice of this Court the instructions given by the first respondent submitted that unless the answer sheet is uploaded and received by the Institution within the time limit, the hard copy cannot be evaluated. The learned counsel further submitted that there was a clear instruction by the first respondent to the flying squads that the uploaded answer sheets will have to be collected from the Institutions on a daily basis to ensure that the procedure given by the first respondent is scrupulously followed by the Institutions.

7. In the considered view of this Court, due to the pandemic situation, everything is happening through online mode. To ensure that the examinations are conducted in a fair manner, the first respondent has issued various instructions to the Institutions with regard to the correction of the answer sheets. As per the instructions, the Institutions have been directed not to correct the hard copy of the answer sheets without the same being uploaded in the portal within the time limit prescribed under the instructions. This is done to ensure that a candidate do not manage to send a different answer sheet on the next day through post. In other words, the answer sheet that is uploaded and the answer sheet that is sent through the post must be the same and therefore, if an Institution had received only a hard copy and the answer sheet has not been uploaded, they cannot evaluate the hard copy of



the answer sheet.

8.In the present case, there is a *prima facie* evidence to show that the petitioner had uploaded the paper, on 16.12.2020 at 17.30 hrs. It is not known as to why this has not been received by the second respondent Institution. In fact, all the other papers that were written by the petitioner was properly uploaded and it was received and the hard copy has also been evaluated. Therefore, there is no reason for the petitioner not to have uploaded the Engineering Mathematics (Subject Code 30012) answer sheets. It is a well known fact that any thing that is being sent through online mode may get disrupted due to various factors like a net work problem. Only, now our society is learning to perform various activities through online mode. Therefore, considering the facts of each case, this Court has to come to the aid of those students, who inspite of uploading the answer sheets from their end, should not be deprived of evaluation of the answer sheets just because the Institution has not received it. Of course, there cannot be a blanket order in this regard and it will depend upon the facts of each case.

9.In the present case, this Court finds that the petitioner had uploaded the answer sheet for the Engineering Mathematics (Subject Code 30012) on time. Therefore, there shall be a direction to the second respondent to evaluate the hard copy of Engineering Mathematics (Subject Code 30012) sent by the petitioner through post, on 17.12.2020 and declare the results, within a period of two weeks from the date of receipt of a copy of this order. If the second respondent has not declared the results of the other papers written by the petitioner, the same shall also be declared within a period of two weeks from the date of receipt of a copy of this order.

10.This writ petition is disposed with the above directions. No costs.

Sd/-

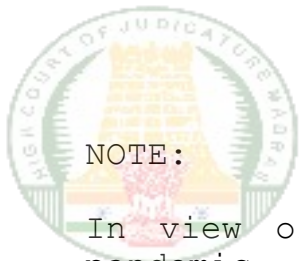
Assistant Registrar (W)

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Sub Assistant Registrar(CS)

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NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Director of Technical Education,
Office of the Director of Technical Education,
Guindy, Chennai - 600 025.

+1 CC to M/s.P.BALASUBRAMANIAN, Advocate (SR-21252[F] dated 05/07/2021)

+1 CC to M/s.SPL GP (SR-21339[F] dated 06/07/2021)

Order made in
W.P. (MD) .No.8791 of 2021
05.07.2021

RC (13.07.2021) 5P 4C