



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) .No.20568 of 2021

Subin

... Petitioner

Vs.

1.The Registrar,
Anna University,
Chennai - 600 025.

2.The Controller of Examinations,
Anna University,
Chennai - 600 025.

3.The Principal,
Maria College of Engineering and Technology,
Attoor,
Thiruvattar Post,
Marthandam,
Kanyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, by directing the second respondent to consider the petitioner's representation dated 25.01.2021 for permitting him to reappear in Project Work Phase-II TE7411 for M.E., Thermal Engineering (2015-2017) in Registration No.961515414013.

For Petitioner : Mr.V.Angusamy

For R-1 and R-2 : Mr.K.Govindarajan

For R-3 : No appearance

ORDER

The Writ Petition has been filed in the nature of Mandamus by a student who studied M.E. Thermal Engineering in the third respondent College / Maria College of Engineering and Technology at Marthandam, Kanyakumari District, seeking consideration of his representation dated 25.01.2021.



2. The petitioner joined the third respondent College in the academic year 2015 for M.E. Thermal Engineering. By normal standards, he should have completed M.E. Thermal Engineering in April 2017 or rather he must have written all his exams by that time.

3. The regulations of the first and second respondents / Anna University stipulate that if there are four semesters for the M.E. Course, then the maximum number of semesters within which all the papers should be written and the student must qualify in all the papers is eight semesters. This would indicate that the petitioner is given a further period of four additional semesters or rather one further term in entirety of two years to complete the course. The normal completion would be two years and the student is given a further period of two years to complete the M.E. Thermal Engineering course.

4. The petitioner had failed in all the examination in April 2017. So, at the end of the course period between 2015 and 2017, he had not qualified even in one single paper. Thereafter, he started to apply for the examinations and started writing the semesters examinations. It is stated that, by April 2019, he had passed all the papers. But one paper was left out and that is the practical examination for phase-II for doing project work. It follows phase-I. The petitioner had actually qualified phase-I project work. While applying for the subject for which he wants to write the exams, he had not applied for permission to appear in phase-II practical examination. As the nomenclature again signifies, the practical would consist of internal and external examination. The internal examination is out of the purview of the third respondent and the external is conducted by the first and second respondents.

5. In view of the fact that the petitioner had not written the internal examination, a direction can never be issued to the first and second respondents to permit the petitioner to write the external examination. Notice had been directed to the third respondent. There is no appearance on behalf of the third respondent before this Court.

6. I am much pained to record this particular fact and this particular fact, plays on my mind to extend the representation given by the petitioner for re-consideration by the first and second respondents. If the third respondent had responded to the notice of this Court, then the reality of the actual situation could have been determined by this Court to find out whether the petitioner had actually applied for internal examination or had appeared for internal examination and had failed or had never participated in any internal examination. That particular detail is not available before this Court. It is a fact that the petitioner had not written the internal examination but circumstances surrounding that



7. Therefore I would not shut out the petitioner entirely but rather a direction is issued to the first respondent / the Registrar of Anna University to examine the case of the petitioner based on the representation given by him, and place a caveat and a direction on the first respondent to ensure that the third respondent / Maria College of Engineering and Technology appears for the inquiry, participates in any inquiry conducted by the first respondent and gives an explanation as to why they did not sensitize the petitioner about the imperativeness to write internal examination for phase-II.

8. An internal examination can be conducted only by the department where the petitioner studies and if he had been in day to day contact with his Professors, they would have sensitized him about the necessity to participate in an internal examination.

9. It is contended by the learned counsel for the first and second respondents that the petitioner, having joined in the third respondent college in the course of Thermal Engineering, should have been presumed to have knowledge about all these aspects. A student is still a student under the control of the College and there is a duty cast on the college, in whatever course he studies, to sensitize the necessity of writing internal examinations.

10. Therefore, while re-visiting the representation given by the petitioner herein, a duty is cast on the first respondent, whatever may be the relationship with the third respondent, to sever such relationship and keep that out of their mind and ask the third respondent about their failure to sensitize the petitioner to write phase-II practical examination and thereafter, consider the representation of the petitioner along with explanation, if any, given by the third respondent.

11. With the said observations, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

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



To

1.The Registrar,
Anna University,
Chennai - 600 025.

2.The Controller of Examinations,
Anna University,
Chennai - 600 025.

+1 CC to M/s.K.GOVINDARAJAN, Advocate (SR-40042[F]
dated 22/12/2021)

**W.P. (MD) .No.20568 of 2021
20.12.2021**

RK(05/01/2022) 4P/4C