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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.5840 of 2022

and

WMP No.5934 of 2022

Ashique.M

...Petitioner

Vs

1. The Registrar,
Tamil Nadu Agricultural University,
Coimbatore, Coimbatore District.
2. The Controller of Examinations,
Tamil Nadu Agricultural University,
Coimbatore, Coimbatore District.
3. The Principal,
Nammalvar College of Agriculture and Technology,
Kamuthi,
Ramnad District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records made in L.O./W.P.No.27479/2021 dated 28.02.2022 on the file of the 1st respondent herein and quash the same as illegal and direct the 1st respondent to declare the publication of B.Sc.Agricultural result and report card to the petitioner be issued on 10.01.2021 for the VI Semester and 07.12.2021 for VIII Semester applying the theory of revaluation result relates back to the date when the original result was declared and issue the provisional degree certificate result declaration dated 10.01.2021 instead of 26.02.2021 and also in the Transcript Card on equitable consideration at any event on 03.02.2021 instead of 26.02.2021 to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.Abdul Saleem - R1 & R2



O R D E R

The petitioner is a student in B.Sc. (Agricultural Course) in the Nammazhvar College of Agriculture and Technology/R3. He belongs to the 2016 batch and had undergone the 6th semester course commencing and ending on 18.02.2019 and 16.08.2019 respectively, appearing for the scheduled examinations in August and September, 2019.

2. Results published on 03.02.2020 revealed that he had failed in two subjects, namely, AEN 302 (Pests and Horticultural crops and Management) (1 + 1)) and PDG 302 (breeding field and horticultural crops (2 + 1)).

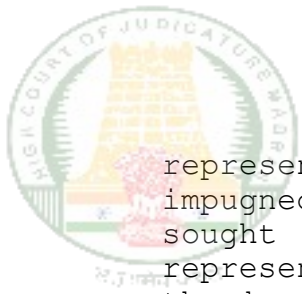
3. He appeared for the re-examination of former paper held on 24.12.2020 and found, when the results were published on 08.01.2021 that he had been successful. He appeared for the re-examination of the latter paper on 19.12.2020 and found when the results were published on 10.01.2021, that he had been unsuccessful.

4. Since he did not concur with the published result, he applied for re-valuation and re-totaling on 11.01.2021 and the results of revaluation, when published on 03.02.2021 were in his favour as he had been awarded 7.5 marks more than his initial score. Thus, it follows that he had been successful even initially, as on 10.01.2021 and the result published on 10.01.2021 was, in effect erroneous as vindicated and validated by the result published on 03.02.2021.

5. Since the provisional degree issued to the petitioner contains a sentence to the effect that 'result declared on 26.02.2021.', the petitioner had sent representations on 29.11.2021 and 15.12.2021 seeking a declaration of date in the provisional degree certificate as '10.01.2021' and re-issue of the same with the correct date as aforesaid.

6. Since his representations remain undisposed, he approached this Court in W.P.No.27479 of 2021 and by order dated 20.01.2022, a learned single Judge of this Court passed an order directing him to make a fresh representation along with relevant documents, accompanied by a copy of that order within a period of two weeks from date of receipt thereof, and directing the respondents to consider the representation and pass orders on merits and in accordance with law within a period of four (4) weeks thereafter.

7. Accordingly, the petitioner reiterated his request made in the earlier representations, on 27.01.2022 and that



representation has come to be disposed by way of the present impugned order dated 28.02.2022. The representation, which sought the identical relief as sought for in the earlier representations and in the present Writ Petition, proceeded on the basis that there was substantial delay on the part of the respondents to have conducted revaluation and to have published the results and therefore this lapse of time in the interim should not work to his detriment.

8.Before me, the petitioner would draw attention to a Notification issued by the Kerala Public Service Commission calling for applications in the Agriculture Development and Farmers Welfare Department for the post of Agricultural Officer. The last date for submission of the application was 03.02.2021, Wednesday, upto 12.am. midnight.

9.Since the provisional degree certificate issued by R1, i.e., the Tamil Nadu Agricultural University states that the results were declared on 26.02.2021, the petitioner is aggrieved as this would render him ineligible to apply. He is hence before this Court pointing out the possible loss of opportunity in public employment caused solely on account of the deficiency in marking his examination paper erroneously at the original instance and further, the delay in conduct of examinations and revaluation on the part of the respondents.

10.He avers that, had the examination and revaluation have been conducted in a timely fashion and furthermore had the provisional degree certificate contained the correct date, i.e., '10.01.2021', he could have well applied for the job in question. The matter was listed for admission on 15.03.2022 when Mr.Sankarasubbu, learned counsel for the petitioner and Mr.Abdul Saleem, who had accepted notice for the respondents were heard and the following order passed:

"Mr.Abdul Saleem, learned Counsel accepts notice for R1 & R2 and seeks sometime to obtain instructions, specifically on the question of whether the respondent would be inclined to issue a letter confirming the effective date of completion of the PBG.302 examination, being 10.01.2021.

2.List on 16.03.2022 at the end of admission list. Counter/written instructions by then with an advance copy served upon the petitioner.

15.03.2021"



11. Thereafter, the matter was listed for hearing on 16.03.2022 and written instructions have been received from the respondent University, that are by way of a reply to the Writ Petition. A copy of the same has been placed before this Court. The University states that there was no intentional delay, but the procedures involved in valuation and revaluation took the time that they took, in the normal course of proceedings.

12. As regards the request for change of date in the provisional degree certificate, they state that such change cannot be effected as it would set a wrong precedent. However, as a matter of concession, they state that the course completion certificate may be issued by the college stating that he has cleared the course on 03.02.2021 when the result post-revaluation was published, that would, according to them, benefit the student,.

13. I find the reply of the respondents unacceptable on both counts as sought for by them. I would rather not touch very deeply, upon the aspect of delay as this aspect of the matter has not been very seriously pressed by the petitioner and in any event, as explained by the University, the normal procedures that are required to be adhered to must take place as prescribed.

14. Suffice it to say in this regard, that the respondents will henceforth streamline their procedures and time-lines to ensure that examinations are conducted, papers valued and requests for revaluation/re-examination and other requests by the students are addressed in a timely manner, going forward. This would ensure that there is no loss of opportunity caused to any student on account of the delay in carrying out the normal processes by the University. Enough said on this.

15. Moreover, the oral defence taken to the effect that the petitioner has not been prompt in seeking relief in regard to the Notification by the State of Kerala is itself not correct. It appears clear to me from the sequence of events set out above, that it was only when the Notification came to be issued by the Kerala Public Service Commission that the importance of the date as mentioned in the provisional certificate, commended itself to the candidate.

16. The last date was 03.02.2021 and the date of declaration of results post revaluation was 03.02.2021 but the provisional degree certificate contained the date 26.02.2021. The petitioner was prompt in seeking remedy as representations have been filed proximate to date of the Gazette of the State of Kerala and Writ Petitions filed thereafter seeking relief, all in timely fashion.



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17.As regards the merits, the provisional degree certificate is extracted below for clarity in appreciation of the matter.

BSA 016035

TAMIL NADU AGRICULTURAL UNIVERSITY

Coimbatore - 641 003. Tamil Nadu, INDIA.

Ref. No.E.2./Edn.UG.PC./2021 Dated: 27-02-2021

PROVISIONAL DEGREE CERTIFICATE

Certified that Thiru/SelviAshique.MI.D.No. 2016038004 has successfully completed the prescribed courses and credit requirements for the award of the Degree of Bachelor of Science in Agriculture of this University during 2021 with an Overall Grade Point Average of 7.80 (78.00% Marks) out of 10.00.

Result Declared on : 26-02-2021

REGISTRAR

18.The last sentence in the certificate reads 'result declared on 26.02.2021'. The explanation set forth to justify this date is that the University and the college, i.e., R1 and R3 engage in an exchange of correspondence as per which the results are 'declared' by the college to the University and it is only this 'declaration' that formalizes the result.

19.While this may constitute procedure as between the parties, it certainly cannot indicate the date on which the candidate has written and either succeeded or failed in the examination. For this purposes, the actual date is well available when the candidate had appeared for the exam and this, in my view, would be the relevant date to determine his/her success/failure. Such date, in this case, is 10.01.2022.

20.If this procedure were not to be followed, any intervening delay on the part of the college/university, that is, elapse of time between the writing of the examination on the one hand and publication and declaration of result on the other, might have damaging consequences upon the career of the candidate, jeopardizing the possible opportunities that have presented themselves, in the interim.

21.Take this very case. The petitioner has written the examination on 19.12.2020, results published on 10.01.2021, applied for revaluation and re-totaling on 11.01.2021 for which results were declared on 03.02.2021 when he was declared passed. In a case like this, the success of the petitioner in the examination must relate back to the original date of examination being 10.01.2021, as the error that was corrected subsequently by way of revaluation/retotaling, would enure wholly to the



respondent college. The petitioner cannot be held responsible for the same.

22. This Writ Petition is allowed. The impugned order is set aside and the respondents are directed to re-issue the provisional degree certificate indicating that the petitioner was successful in the examination written by him on 10.01.2021, within a period of one week from date of receipt of a copy of this order. No costs. Connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

S1

To

1. The Registrar,
Tamil Nadu Agricultural University,
Coimbatore, Coimbatore District.
2. The Controller of Examinations,
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Coimbatore, Coimbatore District.
3. The Principal,
Nammalvar College of Agriculture and Technology,
Kamuthi, Ramnad District.

+1cc to Mr.R.Sankarasubbu, Advocate, S.R.No.17893

W.P.No.5840 of 2022

and

WMP No.5934 of 2022

SVI (CO)
RGA (23/03/2022)