



WEB COPY



W.P. No.11821 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.11821 of 2022

Dr.Pa.Moorthy,

...Petitioner

vs.

1.The University of Madras,
Represented by its Registrar,
Centenary Building,
Chepauk, Chennai – 600 005.

2.The Controller of Examiner,
University of Madras,
Centenary Building,
Chepauk, Chennai – 600 005.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Official Communication No.E6/Law.Sec./2022/143 dated 03.02.2022 of the second respondent and quash the same and to direct the respondents to award 60% (first class) in ML (Private Study (2018-19 batch)) Examinations to the petitioner herein (Register No.ML 18009), by rounding off the aggregate or 59.91% to 60%, within a limited time frame.

For petitioner : Mr.M.Ravi



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For respondents : Mr.A.S.Vijayaraghavan for R1

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ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to round off the petitioner's marks % from 59.91% to 60%.

2. The petitioner has completed his M.L. Course in the University of Madras (Private study) in the year 2019. The petitioner has secured an aggregate mark of 59.91% and has completed the course. He is short by 0.09% for achieving 60% which entitles him to get first class. The petitioner is also an I.P.S officer and is aged 54 years. The petitioner in the affidavit filed in support of this writ petition has also stated that with his sheer hard work and his perseverance, he was able to complete the M.L. Course in flying colours. He has stated that with his limited time as he is an Indian Police Service Officer he devoted his time and has successfully completed the M.L. Course. Since the aggregate % of marks secured by him is short by just 0.09% for achieving first class, he has given a representation to the respondents to round off his aggregate



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marks to 60% from 59.91%. The said representation has also not been considered and only in such circumstances, the present writ petition has been filed.

3. The learned counsel for the petitioner drew the attention of this Court to an order passed by a learned Single Judge of this Court on 22.12.2017 in W.P. No.33582 of 2017 involving identical set of facts. In that case also, the petitioner was a law student and he had completed his B.A., B.L. Course and he has secured 59.96% aggregate marks.

4. The learned Single Judge by following a decision of the Hon'ble Supreme Court in the case of ***State of U.P. and another vs. Pawan Kumar Tiwari and others***, reported in ***(2005) 2 SCC 10***, had rounded off the marks of the said petitioner from 59.96% to 60%. The learned Single Judge has observed that even though the issue involved in the decision rendered by the Hon'ble Supreme Court referred to supra was an issue regarding reservation, the principle laid down in the said decision can be applied and the learned Single Judge has held that rounding off the marks to 60% is permissible.



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5. This Court after giving due consideration to the averments contained in the affidavit filed in support of the writ petition which has been referred to supra and after giving due consideration to the fact that the petitioner despite his other pre-occupation as an Indian Police Service Officer with his hard work has been able to complete the M.L. Course successfully and has secured 59.91% aggregate marks and is only short by 0.09% to secure 60% which will enable him to get first class, is in agreement with the view taken by the learned Single Judge of this Court in the aforesaid decision. Accordingly, the petitioner's aggregate marks in M.L. Degree course (Private study) at the Madras University is rounded off to 60% instead of 59.91% actually secured by him in the examinations and this writ petition is allowed.

6. With the aforesaid direction, this writ petition stands allowed.

No costs.

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

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ABDUL QUDDHOSE, J.

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To

1. The Registrar,
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Centenary Building,
Chepauk, Chennai – 600 005.

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University of Madras,
Centenary Building,
Chepauk, Chennai – 600 005.

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