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W.P.No. 12124 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No. 12124 of 2022

and WMP.Nos.11558, 11561 & 11562 of 2022

S.Dinesh Kumar

S/o.E.Srinivasan

..Petitioner

Vs.

1. The Director of Technical Education,
Guindy, Chennai – 600 025.

2. The Registrar,
Anna University,
Guindy, Chennai – 600 025.

3. The Controller of Examinations,
Anna University,
Guindy, Chennai – 600 025.

4. The Correspondent,
Prathyusha Engineering College,
Poonamallee – Thiruvallur Road,
Aranvoyal Kuppam,
Aranvoyal Post,
Thiruvallur Taluk & District -602 025.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of certiorarified mandamus, call for the records pertaining to the status report published by the Director of Technical Education Guindy, Chennai – 600 025, the 1st respondent herein vide his proceedings No.Nil



W.P.No. 12124 of 2022

dated Nil refusing to approve the petitioner's admission into the 6th semester in B.E.Civil Engineering Department in the 4th respondent College with register No/Enrolment No.111415103019 on 09.03.2022 and quash the same as illegal, arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents herein to approve the admission of the petitioner in the 6th semester in B.E. Civil Engineering Department and thereby permit him to complete his course of study.

For Petitioner : Mr.A.R.Suresh
For Respondents : Mr.D.Ravichander
Special Government Pleader [R1]
Mr.V.Meenakshi Sundaram
Standing Counsel [R2]

ORDER

The prayer sought for herein is for a writ of certiorarified mandamus to quash the status report published by the 1st respondent herein vide his proceedings No.Nil dated Nil refusing to approve the petitioner's admission into the 6th semester in B.E.Civil Engineering Department in the 4th respondent College with register No/Enrolment No.111415103019 on 09.03.2022 and thereby direct the respondents herein to approve the admission of the petitioner in the 6th semester in



W.P.No. 12124 of 2022

B.E. Civil Engineering Department and thereby permit him to complete his course of study.

2. The petitioner joined in the course called Bachelor of Engineering (Civil Engineering) in the academic year 2015-2016. It is a four years course and it should be completed within eight semesters i.e., four years. Suppose a student could not complete the course within four years or eight semesters, further extended period also is given by the respondent University upto seven years i.e., 14 semesters.

3. With this background, if we look at the case of the petitioner, who joined in the year 2015-2016, he reached the third year or fifth semester in 2017-2018 June or July. After completing the fifth semester, he has to move to sixth semester, which was commenced some time in December 2017. However, in the sixth semester even though the petitioner joined, he could not earn necessary attendance and therefore, for want of attendance, he was not permitted to write the sixth semester, which was conducted some time in 2018 April or May.



W.P.No. 12124 of 2022

4. As per the University Regulations, a student could not earn necessary attendance in a particular semester, he has to move to the next semester along with next batch of students i.e., in the next year. By thus, the person, who did not earn the necessary attendance will lose one academic year.

5. In this context, the case of the petitioner is that in 2017-2018, even though he completed the sixth semester, for want of attendance he was not permitted to write the examination, therefore, he has to necessarily redo the sixth semester, which is a even semester, he has to join in the sixth semester to redo the same only in December 2018. However, in that academic year in the batch viz., B.E.(Civil Engineering) at the fourth respondent college, since there was no takers except one student, who joined in the college for the course B.E. (Civil Engineering) for the particular academic year, the Management decided not to take classes for B.E.(Civil Engineering), therefore, the petitioner could not join in the sixth semester in 2018-2019 and he had to wait for two years as the said situation of want of student was prevailing in the fourth respondent college. Ultimately, the petitioner joined in the sixth semester



W.P.No. 12124 of 2022

only during the academic year 2021-2022, thereby, the petitioner was admitted on 09.03.2022 at the fourth respondent college along with other students in the sixth semester and after he completed the sixth semester, when he made an attempt to write the sixth semester examination i.e., conducted some time in April or May 2022, the petitioner was not permitted to write the said examination stating that the petitioner's admission in the sixth semester in the academic year 2021-2022 at the fourth respondent college is beyond the maximum period of 7 years or 14 semester as prescribed by the respondents Anna University that is how the order passed in this regard by the first respondent is impugned herein.

6. Heard Mr.A.R.Suresh, learned counsel appearing for the petitioner, who having reiterated the aforesaid, would submit that insofar as the maximum period of 7 years or 14 semesters as prescribed by the Anna University for completing the B.E Degree course is concerned, the said Rule is relaxed for deserving candidates and this kind of such relaxation has been given atleast two times recently.



W.P.No. 12124 of 2022

7. On the first occasion on 07.06.2019, the Anna University issued a notification, which reads thus:

“The Syndicate of Anna University, in its 252nd Meeting held on 09.05.2019, resolved to permit the students who have exhausted their permitted maximum period (as per their respective Regulations), to appear for their examinations again as a special case on humanitarian grounds during November / December 2019 and April / May 2020.”

8. Also second time, similar relaxation had been given by issuing notification dated 15.11.2021 by the University, which reads thus:

“As approved by the Syndicate of Anna University in its 262nd meeting held on 16.02.2020, the students who have exhausted their maximum period of study as per their Regulations have been permitted to appear for the arrear examinations as a special case during November/December 2021, April/May 2022 and November/December 2022.”

9. By relying upon these kind of notifications issued by the respondent University, where relaxation had been given to the students, who were studied in very many colleges affiliated to the University giving relaxation of the maximum period of seven years rule for



W.P.No. 12124 of 2022

completing the course, the learned counsel appearing for the petitioner seeks indulgence of this Court to give a direction to the respondents University to extent the said benefit of giving relaxation to the petitioner also and permit him to complete the sixth semester and to write the examination and also to move on to seventh semester and to complete the course after completing the end semester i.e., eighth semester in the next academic year at least.

10. However Mr.V.Meenakshi Sundaram, learned Standing Counsel appearing for the Anna University, on instructions, would submit that 7 years rule is a part of the Regulations of the Anna University and it is mandatorily being followed in all cases.

11. At any rate, within the maximum period of 7 years or 14 semesters, a student, who joined in B.E. Course in any college affiliated to the University should complete their course.

12. Further, the learned counsel would submit that, insofar as the two relaxations given by the University for some students as per



W.P.No. 12124 of 2022

notifications dated 07.06.2019 and 15.11.2021 are concerned, those decisions were taken by the syndicate of the University in an extraordinary situation as a special case for those students, who even though have completed the course for four years without any break, but not completed or passed out of the semester papers, thereby, they were not be eligible to get the degree, therefore, in order to give one more chance to write the arrears examinations, which they left or failed within the four years course, which they have completed, such kind of relaxation was given.

13. Therefore, the learned counsel appearing for the University would contend that, such a relaxation given to those students, who have completed the course, but not completed the examination or passed out the examination in all papers are concerned, that cannot be equated with the petitioner's case, because the petitioner admittedly has not completed the course and if at all even the petitioner is permitted to continue the course at the sixth semester and he would complete the same, still he has to go for one more year to complete the seventh and eighth semesters, therefore, the logic, which was adopted by the University in passing the



W.P.No. 12124 of 2022

two relaxation in the notification referred to above would not apply to the case of the petitioner. Therefore, that kind of benefit cannot be extended to the petitioner.

14. The learned counsel appearing for the first respondent Director of Technical Education also would submit that, the impugned order now issued stating that the petitioner is not eligible to write the sixth semester examination is only a consequential proceedings issued by the first respondent based on the decision taken by the University not permitting the petitioner to complete the sixth semester course even by redoing the same because of the maximum period of seven years having been lapsed.

15. I have considered the rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

16. Now the controversy raised in this writ petition is in a very narrow compass.



W.P.No. 12124 of 2022

17. Whether the relaxation given by the respondents University, not in one time almost very often, as such relaxation was given by the notifications dated 07.06.2019 and subsequently also on 15.11.2021, which are recent relaxation, would be applicable to the case of the petitioner or not?

18. In this context, even though the learned counsel appearing for the respondents University submitted that those relaxation had been given to the students, who have completed the course to write the failed papers to complete the degree course and that logic would not be applicable to the case of the petitioner because the petitioner has not even completed the course as he is in the sixth semester only, this Court feels that the purpose of giving the relaxation to those students to complete the degree course to award a degree to them, if they are eligible otherwise is only to encourage the students to complete their course successfully.

19. Even though there is a Regulation of the University prescribing maximum time of seven years or fourteen semesters to complete the course, the completion of the course is nothing but completion of course



W.P.No. 12124 of 2022

successfully i.e., passed out in all papers. Hypothetically, if we presume that, a student can complete the four years course, but have not completed the degree as he was having so many arrears papers and in that case if the University employed the said Regulation i.e., seven years Rule, none of the students, who completed the course would be able to complete the degree.

20. Herein the case in hand, the exercise of redoing the semester by any other student like the petitioner for want of attendance is itself is a Regulation imposed by the University and by virtue of such Regulation only the petitioner had to redo the course to write the sixth semester examination. When an attempt was made by the petitioner to redo the course in the next academic year itself, consecutively for two years, the petitioner could not join in the sixth semester being the even semester at the college i.e., fourth respondent college because the college did not pursue the course for the said two years for want of students.

21. These peculiar facts and circumstances, which triggered the petitioner not to pursue the course by joining in the sixth semester and



W.P.No. 12124 of 2022

complete the same successfully and that kind of reasons for not completing the sixth semester in the very next year i.e., within the seven years outer limit cannot be attributed on the part of the petitioner.

22. In this regard, whether the fourth respondent college did not pursue the course i.e., B.E.(Civil Engineering) of sixth semester for the next two successive academic year as claimed by the petitioner is correct or not shall be verified and ascertained from the college by the University by summoning the responsible person from the college with relevant records. After verifying the same, the University can take a decision with regard to the plea of the petitioner to give such relaxation from the seven years rule for permitting him to join in the sixth semester, which he has already joined in the fourth respondent college on 09.03.2022 to complete the sixth semester and to write the examination, which was already over.

23. The petitioner can be permitted to write such kind of examination i.e., sixth semester atleast for the end of the academic year 2022-2023 i.e., some time in April or May 2023, provided the petitioner



W.P.No. 12124 of 2022

should have earned the necessary attendance at the fourth respondent college during the sixth semester, which he claimed to have undergone in 2021-2022.

24. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the second and third respondents to verify all the relevant records pertaining to the petitioner after summoning the same from the fourth respondent college including the verification of the claim made by the petitioner i.e., fourth respondent college did not pursue the course of B.E.(Civil Engineering) for want of students for two successive academic years and after verifying those records as well as the attendance earned by the petitioner for the sixth semester, where he claimed to have joined in the fourth respondent college on 09.03.2022 as to whether the petitioner has reached the minimum attendance for the purpose of permitting him to write the sixth semester examination, can give such relaxation from the seven years Rule as has been given in notifications dated 07.06.2019 and 15.11.2021 and



W.P.No. 12124 of 2022

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accordingly permit the petitioner to write the sixth semester examination and once he successfully complete the sixth semester examination, it is needless to mention that, he would be entitled to go for seventh semester in the next academic year.

- ◆ The needful as indicated above shall be undertaken by the respondents University, for which, fourth respondent College shall cooperate, within a period of six weeks from the date of receipt of a copy of this order.
- ◆ In this regard, within two weeks from the date of summon issued by the University to the fourth respondent college, the fourth respondent college shall produce the relevant records sought for by the University enabling the University to act upon as indicated above.
- ◆ It is also clarified that in respect of two academic years, one academic year for want of students, the fourth respondent college did not pursue the course or conduct the course and in respect of the other academic year even though they conducted the course because, there was no full time principal available in the college, the plea raised by the petitioner in writing has not been considered



W.P.No. 12124 of 2022

and he was not admitted, these two factors also to be verified by the University at the time of verification of records from the college.

With these directions, this writ petition is disposed of. No costs.

Connected miscellaneous petitions are closed.

28.09.2022

Index : Yes/No

Speaking Order : Yes/No

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W.P.No. 12124 of 2022

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WEB COPY

R.SURESH KUMAR, J.

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W.P.No.12124 of 2022

28.09.2022