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W.P.No. 17399 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.10.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.17399 of 2022
and WMP.No.16706 of 2022

M.Madhumitha

D/o.Medasamy Seenivasalu

..Petitioner

Vs.

1. University Grants Commission (UGC),
Represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

2. Admissions Committee,
Chennai Mathematical Institute,
H1, SIPCOT IT Park, Siruseri,
Kelambakkam – 603 103.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, directing the respondents 1 and 2 to select and admit the petitioner to 3- years B.Sc., (Honours) Programme for the ensuing academic year 2022-2023 under the second respondent and to continue and complete the course.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Ms.V.Sudha,
Central Government Counsel[R1]
Mrs.D.Nagasaila
Standing Counsel [R2]



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ORDER

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The prayer sought for herein is for a writ of mandamus directing the respondents 1 and 2 to select and admit the petitioner to 3 years B.Sc., (Honours) Programme for the ensuing academic year 2022-2023 under the second respondent and to continue and complete the course.

2. In order to admit students in B.Sc.,(Honours) programme at the second respondent Institute viz., Chennai Mathematical Institute, entrance examination was conducted on 22.05.2022. As per the examination pattern in part A, 10 questions would be asked, each question will consist four sub questions and each sub question will carry one mark that means $10 \times 4 = 40$ marks. Out of these 40 marks, if a student is able to secure 24 marks and he will be among the minimum 400 people as per the ranking based on the marks obtained in part A, the evaluation would be conducted for such students in part B. In part B, it is descriptive type and the question paper is for 80 marks totally 120 marks.

3. Subsequent to the announcement of this examination schedule to be conducted on 22.05.2022, there was some representation from some section of students that KVPY examination is overlapping on 22.05.2022, therefore they have to undertake that examination.



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4. Considering their plea, the second respondent committee decided to conduct a separate examination with same pattern for those KVPY students on 23.05.2022 and that examination also was conducted.

5. In the meanwhile, some of the students from State Board were made a similar plea that their examination on the same day i.e., on 23.05.2022 was overlapping. Therefore, they wanted a separate examination to be conducted for them. That plea was also considered by the second respondent Committee and for them another examination was fixed and conducted on 17.06.2022.

6. Thus, there were three examinations under the same pattern with different question papers on different dates conducted as an entrance examination for the purpose of short listing the candidates to admit in B.Sc.,(Honours) in the second respondent Institute for the academic year 2022-2023.

7. It is to be noted that, insofar as the pattern that those who secured marks in part A alone would be eligible to be evaluated in part B, since it has not been printed in the question paper, some doubt arose in



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the minds of various students, who wrote the examination. Therefore, again queries were raised as to how the evaluation is going to take place.

8. In order to answer this, the second respondent committee once again sit upon and decided that there can be two pattern of evaluation, under the first pattern, out of 10 questions in part A, those who write the answers to the main question consisting of four sub questions correctly, four marks would be given and even if one sub question is made wrong there will be one negative mark, that is one pattern. Another pattern is the whole main question consisting of four sub questions will be awarded 0 mark. Therefore, under these two patterns, the evaluation was conducted, the candidate, under the first pattern has to get at least minimum 24 marks out of 40 marks and under the second pattern they must have obtained 10 marks out of 40.

9. Now let us come to the marks obtained by the petitioner, who secured 30 out of 40 marks in the first pattern evaluation and 18 out of 40 in the second pattern of evaluation. Therefore, in both the pattern of evaluation, she crossed the hurdle and thus her performance in part B can be evaluated and accordingly, part B was also evaluated, wherein, out of 80 marks, the petitioner secured 19 marks.



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10. Now Mrs.D.Nagasaila, learned Standing Counsel appearing for the second respondent relying upon the various averments made in the counter affidavit submits that, at this juncture, how the merit list has to be prepared was also discussed by the second respondent committee and they ultimately concluded that there would be three ranking list separately prepared i.e., one for 22.05.2022 examination students, another is for 23.05.2022 examination students and third one is for 17.06.2022 examination students. In this context, the petitioner being one of the students of 22.05.2022 examination, there was a separate ranking list, wherein she possessed 59th rank, like that other two lists also have been prepared.

11. The total seats available was 114 originally and two seats subsequently were added totally 116 seats. Insofar as 116 seats are concerned, only 92 seats would be filled up by this pattern of entrance examination and the remaining seats would be filled up by another method.

12. In order to fill up these 92 seats, on what basis the final ranking list or selection list has to be made was again a question and that



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was considered and decided by the second respondent, where they found that, if all the three merit list candidates are put together and a common ranking list is prepared, most of the students, who wrote 23.05.2022 examination would be in the higher ranking, thereby almost entire 92 seats would be filled by those students and the other two set of students of 22.05.2022 and 17.06.2022 examinations, would draw a blank, as in other words, those two examinations students would not be able to get a seat out of the 92 seats. Therefore, in order to streamline the same and neutralize the merit enabling all the meritorious candidates of all the three ranking list to get seats proportionately in the 92 vacancies, they invited a system and employed the same, under which, 50% of total seats i.e., 45 seats would be from out of the rank list of 22.05.2022 examination students and the remaining 45 seats from the 23.05.2022 students and one seat would be given to the 17.06.2022 student because only one student in the 17.06.2022 examination has got qualifying marks.

13. Therefore, out of 92 seats, 45 or 46 seats would be ear-marked for 22.05.2022 examination students, again 45 or 46 would be ear-marked for 23.05.2022 examination students and one will go to 17.06.2022 examination student. This is how they finalized the selection



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and gave admission, classes had commenced in the first of week of August, 2022 and the 1st unit examination was also conducted in the last week of September 2022. This is the stand taken by the second respondent as projected by Mrs.D.Nagasaila, learned Standing Counsel appearing for the second respondent, who relies upon the following averments made in the counter affidavit:

“17. For the students who wrote the examination on 22.05.2022, the cut-off for general candidates was fixed as 24/80 and for reserved category 21/80. The writ petitioner appeared for the exam on 22.05.2022 and secured 19/80 in part B and hence did not make the cut-off. For the 23.05.2022 and the 17.06.2022 examinations, the cut-off was 40/80 for the general category students and 35/80 for the reserved category students.”

14. Now the decision to be made by this Court is as to whether the petitioner, who wrote the 22.05.2022 examination and secured the aforestated marks and ranked in the 59th position in a separate ranking list for the 22.05.2022 examination students would be eligible and entitled to seek admission in the said course at the second respondent Institute or not.



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15. First of all, the method adopted by the second respondent in conducting separate three examinations, of-course, by the same pattern, but, different question papers is not the paper system to be approved.

16. If students have to be selected for admission in a particular course there must be one entrance examination commonly to be undertaken with one question paper.

17. If at all any other examination is overlapping or crossing on the same date to be fixed already by the second respondent Institute, the second respondent Institute could have best done by changing the date of examination. By thus, all the three categories of students could have been made to write the examination to be conducted in one date with one question paper. Therefore, conducting of three examinations with three different question papers on three different dates for the single selection is bad in law.

18. Secondly, the pattern of evaluation originally fixed has been changed, because, in the question paper, the pattern of evaluation has not been printed due to inadvertence admittedly. These kind of inadvertence



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could have been avoided by the second respondent and because it was not printed a new novel method or a fresh method need not have been employed for making the evaluation that too, during the midstream or after conducting examination, which is the second mistake committed by the second respondent Institute or its Committee.

19. The third one is, because of three examinations conducted, three different ranking lists have been prepared, it triggered the second respondent to take a decision that 50% of the seats could be filled up from the first examination students and remaining 50% from the second examination students and one will be from the third examination, because one alone had qualified is concerned, that decision also is not on rational basis. Therefore, this is the third mistake committed by the second respondent Institute.

20. Because of all these mistakes committed by the second respondent Institute, by thus, there were complete mess in the entire selection system, normally this Court would set aside the entire selection and would direct the second respondent to redo the exercise to conduct a single examination.



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21. However, the examinations were over, selection also was over, students were selected and admitted, classes were commenced in the first week of August and almost two or three months course have been completed. When that being so, at this juncture, this Court feels that such kind of drastic action to set aside the selection and to redo the exercise would not be an effective one and moreover, the students i.e., 92 students selected and admitted in the course, have undergone the course and assuming that this selection is set aside only these 92 students would be ousted, the remaining 20 or 25, who have been selected under other method have to continue the course then there will be another confusion. These kind of confusion as an added injury, this Court does not want to make it. Moreover, this Court also finds that, insofar as the claim made by the petitioner is concerned, since she is the only student, who has come to the Court at the earliest point of time and considering the *prima facie* case, a learned Judge of this Court by order dated 06.07.2022 has passed the following order:

“This writ petition has been filed for a mandamus seeking a direction to the respondents to select and admit the petitioner to three years B.Sc (Honours) programme for the ensuing academic year 2022- 2023 in the second respondent / Institute and to continue and complete the



course.

2. The petitioner was issued admit card for writing entrance examination on 22.05.2022 for the B.Sc (Honours) programme for the ensuing academic year 2022-2023 in the second respondent Institute.

3. Learned counsel for the petitioner drew the attention of this Court to the instructions issued by the second respondent / Institute with regard to the selection process. He would submit that, as per Part – A instructions, the petitioner will have to secure minimum of 24 marks for being eligible to qualify for Part – B. Learned counsel for the petitioner would further submit that the petitioner has secured 30 marks and, therefore, eligible to be qualified for Part – B. According to learned counsel for the petitioner, after writing the examination, the selection process was changed relaxing the eligibility criteria for qualifying to Part – B. According to him, despite the relaxation and despite the fact that the petitioner has secured 30 marks in excess of the minimum 24 marks prescribed for eligibility to qualify for Part – B, the order dated 30.06.2022 has been passed intimating the petitioner that she has not been qualified for admission to B.Sc(Honours) programme in the second respondent / Institute based on her performance. In the entrance examination held on 22.05.2022, the relaxation criteria is also mentioned in the letter dated 30.06.2022 referred to supra, which reads as under:-



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- “a) either 24 or more correct answers out of 40,
without grouped marking OR
b) 10 or more marks out of 40, according to the
grouped marking scheme.”*

4. In the instant case, the petitioner has secured 30 marks in Part – A in excess of her eligibility limit i.e. 24 marks. Therefore, a prima facie, case has been made out by the petitioner. Further, the petitioner has sought for interim direction in W.M.P.No. 16706 of 2022 to direct the second respondent to keep one seat vacant, as according to the petitioner, there are 114 seats available for admission in the second respondent / Institute.

5. After due consideration of the aforementioned factors and prima facie being satisfied with the contentions of the petitioner, this Court is inclined to direct the second respondent / Institute to keep one seat vacant in B.Sc (Honours) programme for the ensuing year 2022 – 2023, until further orders of this Court.

6. Mrs.V.Sudha, learned Standing Counsel accepts notice on behalf of the first respondent / UGC.

7. Notice to the second respondent returnable by 27.07.2022. Private notice is also permitted.

8. Post the matter on 27.07.2022.”



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22. Though this Court directed the matter to be posted on 27.07.2022 for further hearing, the case could not be taken up and today only, based on urgency mention, this case is taken up for hearing and in the meanwhile, all these developments have taken place and the Court after having taken judicial notice of all these developments, is of the view that, instead of disturbing the entire selection, only the candidate i.e., the petitioner, who has come to this Court can be accommodated for whom, a seat already has been directed to be reserved.

23. In this context, learned counsel appearing for the second respondent relying upon the following averments made in the counter affidavit:

“22. Without prejudice to the above submissions it is brought to the attention of this Hon'ble Court that curriculum of the course is very rigorous and exacting. Classes for the first year commenced on 1st August, 2022 and eight weeks of classes are over and the mid-term examinations are scheduled for 26.09.2022. These classes can never be made up and no student would be able to cope with the course if they miss 8 weeks of classes.”



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24. If at all it is a tough syllabus and the students, who joins now may not be in a position to cope up with the syllabus is concerned, it is a risk to be taken only by the petitioner and the Court also posed a question to the learned counsel appearing for the petitioner whether still the petitioner is interested to pursue the course, the learned counsel very emphatically said "Yes, still the petitioner wants to pursue the course."

25. Therefore, in order to meet the ends of justice, this Court feels that the following orders can be passed by this Court in this writ petition while disposing the same:

- ◆ That there shall be a direction to the second respondent to admit the petitioner in the said course viz., B.Sc., (Honours) at the second respondent for the academic year 2022-2023 forthwith without waiting for the copy of this order and this will be communicated by the learned Standing Counsel appearing for the second respondent enabling the petitioner to join immediately at the second respondent Institute.
- ◆ Before parting, this Court express its anguish as to the way in which the examination was conducted with full of mess as discussed herein above and also direct the second respondent to



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avoid these kind of confusions in the future years examination so that the meritorious students may not be deprived of their right to get the chance of admission in the second respondent Institute.

With these observations and directions, this writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

12.10.2022

Index : Yes

Speaking Order: Yes

mp

Note: Issue order copy on 17.10.2022

To

University Grants Commission (UGC),
Represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.



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R.SURESH KUMAR, J.

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