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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. NO.27479 OF 2021

Ashique.N.

...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 an order or direction or Writ and in particular Writ in the nature of a Writ of Mandamus directing the first and second respondents to consider the representation of the petitioner dated 29.11.2021 and 15.12.2021 in accordance with law and declare the publication of B.Sc. (Agriculture) result and report card to be issued on 10.01.2021 for the sixth semester and 07.12.2020 or 12.12.2020 or 8th semester applying the theory of relates back and issue the provisional degree certificate dated 10.01.2021 instead of 26.02.2021. The wrong declaration of the results mentioned in the provisional degree certificate dated 26.02.2021 on equitable grounds to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : No appearance



ORDER

The petitioner has filed this petition seeking direction to the first and second respondents to consider the representation of the petitioner dated 29.11.2021 and 15.12.2021 and declare the publication of B.Sc. (Agriculture) result and report card to be issued on 10.01.2021 for the sixth semester and 07.12.2020 or 12.12.2020 or 8th semester applying the theory of relates back and issue the provisional degree certificate dated 10.01.2021 instead of 26.02.2021. The wrong declaration of the results mentioned in the provisional degree certificate dated 26.02.2021 on equitable grounds to secure the ends of justice.

2. The facts of the case are as follows:

The petitioner was joined in B.Sc. (Agriculture) during the year 2016 in Kamuthi Nammalvar College of Agricultural University. The petitioner appeared for the 6th semester during the year 2019 and subsequently, the result was published on 03.02.2020. In which, the petitioner failed in two subjects. Thereafter, the petitioner reappeared for the arrears papers and passed in one subject, for which, the petitioner applied for revaluation and re-totaling for another subject. On 03.02.2021, the University declared that the petitioner has passed in another subject also and he obtained excess of 7.5 marks than earlier result. That being the case, the petitioner had appeared in 8th semester examinations which was started on 03.09.2020 ended on 14.09.2020 and the result was published on 29.10.2020. In which, the petitioner has failed in one subject. Due to pandemic, the petitioner has written the said 8th semester examinations through on-line. Because of the server problem, many students failed in that semester. In the meantime, the petitioner re-appeared the said examination on 20.11.2020 and the result was published on 07.12.2020 and the petitioner declared as failed. Again, the petitioner applied for revaluation and re-totaling for the said subject on 10.12.2020. The result was published on 15.12.2020 and the petitioner has passed and secured 42.50 marks out of 60 in the said examination. The University prepared the report card i.e. 6th semester report card was prepared after 13 days of the publishing the result. But the report card of 8th semester was only prepared after two months on 08.02.2021. Even the respondents published the result on 07.12.2020, the respondents could have been declared on 12.12.2020. Due to delay and negligence on the part of the University, the report card was prepared on 16.02.2021 and result ought to have been declared on 12.12.2021.

3. While that being so, the petitioner has applied for the post of Agricultural Officer in the Kerala Public Service



Commission. The last date of submitting the application on 03.02.2021. But the respondents delayed to publish of the results, the petitioner could not get the job. Hence, the petitioner made the representations dated 29.11.2021 and 15.12.2021 to the respondents 1 & 2 to correct the report card of the 6th semester re-appearance examination of the petitioner as 23.01.2021 instead of 16.02.2021 and report card of the 8th semester re-examination as 20.12.2021 instead of 08.02.2021 and consequently, correct the entry of the declaration date in the provisional degree certificate of the petitioner as 03.02.2021 instead of 26.02.2021. Till date, the same was not considered by the respondents. Hence, the present writ petition has filed before this Court seeking appropriate remedy.

4. The learned counsel for the petitioner submitted that the petitioner had applied for the post of Agricultural Officer in Kerala Government and due to belated issuance of the mark sheets and provisional degree certificate, the petitioner could not get the job. The last date for the said application was on 03.02.2021. As per the provisional certificate issued by the University, the declaration of result is shown as 26.02.2021 and as per the Rules of the Kerala Public Service Commission, the petitioner is not qualified as on the date of application i.e. 03.02.2021, even though the petitioner had passed the examinations on 03.02.2021 as per the records. If the examinations were conducted and the results were published properly and the report cards were prepared in time, the petitioner would have been qualified for the above said post. Because of the belated entry in the provisional certificate, the petitioner could not apply for many job. Therefore, this Court may issue a direction to the respondents to consider the representations dated 29.11.2021 and 15.12.2021 and to correct the report card of the 6th semester re-appearance examination of the petitioner as 23.01.2021 instead of 16.02.2021 and report card of the 8th semester re-examination as 20.12.2021 instead of 08.02.2021 and consequently, correct the entry of the declaration date in the provisional degree certificate of the petitioner as 03.02.2021 instead of 26.02.2021 within the reasonable time as fixed by this Court.

5. Heard the learned counsel for the petitioner and perused the materials available on record. There is no adverse order passed against the respondents and therefore, notice to the respondents is dispensed with.

6. Considering the facts and circumstances of the case and the limited request made by the petitioner, this Court passed the following order:



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(a) The petitioner is directed to make a fresh representation to the respondents along with all the relevant documents and also a copy of this order within a period of two weeks from the date of receipt of a copy of this order; and

(b) After receipt of such representation, the respondents shall consider the same and pass appropriate orders on merits and in accordance with law within a period of four weeks thereafter.

7. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Rli

To

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.

+1cc to Mr.R.Sankarasubbu, Advocate, S.R.No.3509

W.P. No.27479 of 2021

KV(CO)
RLP(24/01/2022)