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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.NO.34421 OF 2019 &
W.M.P.NOS.35092 & 35093 OF 2019

T.Kirubamohan

...Petitioner

Vs.

1. University of Madras
Rep.by its Registrar
Cheapuk Campus
Chennai - 600 005.
2. Head of Department i/c
Department of Philosophy
University of Madras
Cheapuk
Chennai - 600 005.
3. The Head of the Department
Department of Journalism
University of Madras
Chepauk,
Chennai - 600 005.

...Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Certiorarified Mandamus, calling for the records pertaining to the order No.Phil/Kirubamohan.T/Reconsidering admission in M.A,Buddhism/AY/2019-20/1265, dated 25.11.2019 passed by the 2nd respondent, Quash the same and consequently direct the respondents 1 and 3 to issue Equivalency & Recommendation Certificates and further direct the 2nd respondent to confirm the petitioner's admission to M.A.Buddhism.



For Petitioner : Mr.S.Jimrajmilton
For Respondents : M/s.V.Sudha
Standing Counsel

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O R D E R

The petitioner had completed his Bachelors in Engineering from the Anna University in 2014 and thereafter opted for a Masters in Journalism from the University of Madras/R1 which he completed in April 2018. The petitioner thereafter decided to pursue Masters in Buddhism from the University of Madras and had applied in R1 University for the same.

2. The petitioner was provisionally selected, and by issuance of letter No.Phil/M.A.Buddhism/Provisional Adm./AY.2019-2020 dated 31.07.2019, the petitioner was so informed. He was further called upon to attend the University on 11.07.2019 for certificate verification and final selection. He attended the certificate verification and had also remitted the requisite fee.

3. While this is so, the petitioner had received impugned order dated 25.11.2017 rejecting his candidature on two grounds, the first being that Head of the Department of Philosophy had opined that the petitioner does not satisfy the eligibility condition which required him to produce a UG Degree from University of Madras or any other university accepted by the Syndicate of Madras University as equivalent thereto and secondly that the UG Degree obtained by the petitioner was in the discipline of engineering, his certificate was held to be inadequate.

4. On the latter score the conclusion of the authority does not appear to be correct. The prospectus issued by the University of Madras for academic year 2019-20, no doubt, contains a condition that for the course of MA in Buddhism the eligibility condition will be thus:-

M.A.Buddhism	Philosophy	Candidates who have passed any U.G.Degrees from University of Madras or other Universities accepted by the Syndicate of this University as equivalent thereto.
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5. However, a preference has been given, and a different procedure set out, in cases of candidates who have completed a Masters course from R1 University itself. In such cases, a preferential treatment is accorded, and the prospectus states, at point 17 as follows:-

"Candidates undergone a Postgraduate Course at any of the University Departments will be eligible for applying another PG Course or M.Phil. Programme provided

(a). The Candidate has no arrears in the previous Postgraduate Programme.

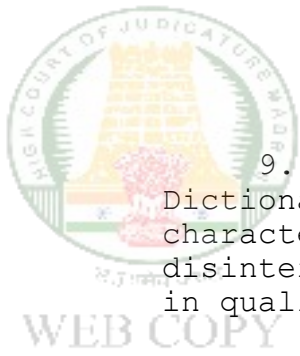
(b). The Candidate should not have violated the "University of Madras Students' Conduct Rules" and

(c). The candidate should submit a recommendation letter from the Head of the Department where he/she undergone the Post graduate Course."

6. Admittedly, the petitioner has no arrears in the MA Journalism Course. As far as the records show, there is nothing to indicate violation of University of Madras Students' Conduct Rules as well, and counter filed by R1 also makes no such allegation. However, the recommendation letter issued by the Head of the Department, Journalism/R3 has characterized his conduct of character as 'fair' on the basis of which the R2 rejects his candidature, which has been interpreted by R2 as amounting to 'not good'.

7. Though as a general proposition the characterization of 'fair' does not amount to as 'not good', the decision of the University as to whether a candidate is 'fair' or 'not good' must be left to them. This is all the more for the reason that the decision appears to be based upon resolution passed by the Department Committee Meeting held on 14.12.2018 and the Court is thus loath to intervene in a discretionary decision of this nature.

8. However, this Court appreciates the anxiety of the petitioner to understand why his conduct has been characterized as 'fair' and whether the recommending authority intended it to have a derogatory meaning as understood by R2. After all, if the Head of the Department uses terms 'fair' as average/above average and not as 'not good', then the decision of R2 might well be different.



9. In fact, the definition 'fair' per Black's Law Dictionary, 10th Edition, edited by Bryan A. Garner is as a trait, characterised by honesty, impartiality, candor, just, equitable, disinterested, free of bias or prejudice, unblemished and good in quality.

10. Thus, he is granted liberty to file a representation addressed to the respondents, if he so desires, seeking clarity on this issue and such representation if and when filed shall be disposed expeditiously and in any event within two weeks of receipt thereafter.

11. This writ petition is dismissed as above. Consequently connected writ miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

nst/ska

To

1. The Registrar
University of Madras
Cheapuk Campus, Chennai - 600 005.
2. Head of Department i/c
Department of Philosophy
University of Madras
Cheapuk, Chennai - 600 005.
3. The Head of the Department
Department of Journalism
University of Madras
Chepauk, Chennai - 600 005.

+2ccs to Mr.S.Jimrajmilton, Advocate, S.R.No.20496

+1cc to M/s.V.Sudha, Advocate, S.R.No.20475

W.P.No.34421 of 2019

&

W.M.P.Nos.35092 & 35093 of 2019

SS(CO)
PM/13/05/2022