



W.P(MD)No.6520 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 06.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.6520 of 2019

and

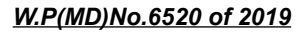
W.M.P.(MD)Nos.5210 and 6749 of 2022

Rajkamal Mishra

... Petitioner

Vs.

- 1.The Director,
Indian Institute of Management,
Tiruchirappalli.
- 2.The Dean (Admin),
Indian Institute of Management,
Tiruchirappalli.
- 3.The Review Committee,
(Referred as DirCom in writ petition),
Indian Institute of Management,
Tiruchirappalli.
- 4.The Viva Committee,
Indian Institute of Management,
Tiruchirappalli.
- 5.The FPR Chair,
Indian Institute of Management,
Tiruchirappalli.
- 6.The Area Chair (Marketing),
Indian Institute of Management,
Tiruchirappalli.



... Respondents



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3.The learned counsel for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned communication and grant relief as prayed for.

4.The respondents have filed counter affidavit and also typed set of paper. The learned standing counsel for the respondents took me through the averments set out in the counter affidavit and called upon this Court to sustain the impugned communication and dismiss the writ petition.

5.I carefully considered the rival contentions and went through the materials on record. The fellow programme in management has maximum duration of seven years. It is cleared in four stages. The petitioner was shown the door at the second stage. The reason for the said decision was because the petitioner did not clear the oral test. The learned counsel for the petitioner contends that a candidate is given two opportunities to clear viva and that the petitioner was not given sufficient time to prepare for the first viva. Therefore, according to him, the petitioner deserves to be given one more opportunity.



6.The copy of the programme manual governing the fellow programme in management is enclosed in the typed set of papers. Clause 4.16 of the manual reads as follows:-

“4.16 Milestones and other details

Milestones and other details for the CQE are given below:

1. The areas need to communicate the contours of the written and oral CQE to all its students and the FPM Office by March 31st of the student's second year. The area also needs to explicitly describe its expectations from the students regarding both parts of the CQE. This is to give sufficient time for preparation to the students.

2. The written CQE needs to be conducted by the area in the second half of June in the student's third year. The results for the written CQE must be declared by the respective areas within one weeks of the last written exam.

3. Students who are successful in the written CQE on the first attempt need to be given a re-examination. This re-examination should be conducted within eight weeks of the declaration of the first exam results. Students who do not clear the written CQE on the second attempt will be required to withdraw from the programme and their stipend will be withheld.



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4. *The viva needs to be conducted within three weeks of the declaration of the written CQE results. As previously noted, a student is eligible to appear for viva only after clearing the written exam. For a student to pass the viva, at least 3 out of 4 members should give a pass grade. The result of the viva needs be declared by the viva committee immediately after the exam. The viva evaluation form is given in Annexure-1.*

5. *Students who are successful in the first viva need to be given a re-examination. This re-examination should be conducted within eight weeks of the declaration of the first viva result. Students who do not clear the viva on the second attempt will be required to withdraw from the programme and their stipend will be withheld.”*

7. The petitioner received a communication on 15.12.2018 that his viva was scheduled to be held on 18.12.2018 at 12.00 noon. The petitioner failed in the said attempt. Thereafter, vide communication dated 04.02.2019, the petitioner was informed that his second viva was scheduled to be held on 14.02.2019 at 03.00 pm. It is stated that the petitioner failed to clear in the second attempt also. Now the question that arises for consideration is whether this Court should interfere with the impugned decision on the ground that the petitioner was not given sufficient time to prepare for his first viva. The petitioner's contentions cannot be accepted for more reasons than one. As



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rightly pointed out by the learned standing counsel for the respondents, Clause 4.16.4 categorically states that viva needs to be conducted within three weeks of the declaration of the written CQE results. The petitioner was informed that he had cleared the written test in the second attempt on 03.12.2018. As per the programme manual, viva had to be conducted within three weeks thereafter. Obviously, the petitioner was aware of the aforesaid instruction. Therefore, the petitioner ought to have been ready for viva on any date. Of course, the very same programme manual states that sufficient time must be given for preparation to the students. But this instruction set out in Clause 4.16.1 applies broadly to both the written as well as oral test. When the petitioner knew that viva will be held in any time within three weeks after declaration of the results of the written test, in my view, the petitioner cannot complain that he was given only three days. This is all more so because the viva is only in respect of the work already done by the petitioner. The petitioner was not really taken by surprise. In any event, having accepted the said decision and undergone viva for the second time, the principle of estoppel will squarely operate against him. It is well settled that a person who has gone undergone a selection process cannot thereafter complain that the selection process was not properly conducted.



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8. There is yet another aspect. These are matters that fall exclusively with the realm of academic experts. The Writ Court is hardly competent to even venture into such areas. There is considerable force in the contentions of the learned standing counsel for the respondents that brand value of degrees issued by such institutions will be imperiled, if Courts were to interfere with the academic processes. Though the learned counsel for the petitioner indicated that the petitioner's misfortune is attributable to the misunderstanding which he had with one of the faculty staff, no person has been impleaded in person and I am therefore not in a position to consider the contention anchored on malafides. The petitioner did have an appeal remedy and even that was also exhausted. This Court will not be justified in interfering with the impugned order. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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G.R.SWAMINATHAN, J.

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