



W.P.(MD).No.6792 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.6792 of 2017
and
W.M.P(MD)No.5358 of 2017

1.G.Muruges

2.M.Esakki Pandi

... Petitioners

Vs.

1.The Manonmaniam Sundaranar University,
Represented by its Registrar,
Tirunelveli-627 012.

2.The Controller of Examination,
Manonmaniam Sundaranar University,
Tirunelveli-627 012.

3.The Principal,
Sri Kumaragurupara Swamigal Arts College,
Padbanabamangalam Post,
Srivaikundam Taluk,
Thoothukudi District-628 619.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the notification bearing Ref.No.MSU/CoE/Co-Ordn/Fee/2014 dated 29.12.2014 passed by the second respondent and quash the same in so far as it notifies 'No



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improvement examination for internal' and consequently direct the third respondent to conduct internal examination for the petitioners.

For Petitioners : Mr.K.Pratap Sundarsan

For R1 & R2 : M/s.H.Jasima Yasmin
for Ajmal Associates

ORDER

The present writ petition has been filed challenging a notification issued by the first respondent University to the effect that improvement examination will not be available for the internal examinations.

2. According to the learned counsel for the petitioners, both the petitioners are from a poor background and they have joined the third respondent college in B.A.Economics, Tamil Medium. They have successfully completed the same in May 2015 and thereafter, they joined M.A.Economics (English Medium) in the academic year 2015-2016.

3. According to the writ petitioners, as per the scheme of the examination, the candidate has to secure minimum of 38 marks in the external examination. But in total, he has to secure 50%, including internal examination marks. According to the learned counsel for the petitioners, the first petitioner has secured just 3 marks in the internal



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examinations, while the second petitioner has secured 9 marks in the internal examinations. Hence, they requested the institution and the university to permit them to appear for an improvement for the internal examination. However, citing a notification issued by the first respondent university, the institution as well as university rejected the request of the petitioners for appearing in the improvement examination. The said notification of university is under challenge in the present writ petition.

4. The learned counsel for the respondents 1 and 2 has contended that the first respondent university has issued a notification on 29.12.2014, under which the candidate will be permitted to appear for improvement examination, only for the external papers and not for the internal papers.

5. I have carefully considered the submissions on either side.

6. The notification of the first respondent university is dated 29.12.2014. The petitioners have joined M.A.Economics course only in the academic year 2015-2016 that is after the impugned notification. Hence, the petitioners are very well aware that they do not have any chance of appearing for an improvement examination with regard to



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internal examinations. That apart, the regulations issued by the university cannot be exempted for petitioners alone, when all the candidates under the university are covered under the said notification. The learned counsel for the respondents 1 and 2 further submits that the second petitioner has appeared for all the examinations and he has passed out M.A.Economics. However, the first petitioner has not turned up for appearing in the examination.

7. In view of the above said facts, I find that the notification of the university, which is prior to the joining of the writ petitioner cannot be questioned and that too, at the instance of two candidates. There are no merits in the writ petition. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

20.07.2022

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Index	:	Yes / No
Internet	:	Yes / No



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- To
- 1.The Registrar,
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 - 2.The Controller of Examination,
Manonmaniam Sundaranar University,
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R.VIJAYAKUMAR ,J.

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Order made in
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