



W.P(MD)No.24842 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **01.12.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24842 of 2016

and

W.M.P(MD)Nos.17963 & 17964 of 2016

S.Madhankumar

... Petitioner

Vs.

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

2.Vice Chancellor,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli-627 012.

3.Controller of Examination,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli-627 012.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned order in MSU.No.CoE/Co.ord/Exam/2016, dated 01.12.2016, passed by the third respondent and quash the same.



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For Petitioner : M/s.M.Saravanan

For Respondents : M/s.H.Jasima Yasmin
for M/s.Ajmal Associates

ORDER

The present Writ Petition has been filed challenging a circular issued by the third respondent herein, under which, the third respondent had permitted the Principals of aided and unaided Colleges to engage their respective teachers as Chief Examiner and Additional Examiner for valuing the answer sheets of the students of Manonmaniam Sundaranar University.

2. According to the learned Counsel for the petitioner, the valuation of answer sheets of the students of Manonmaniam Sundaranar University cannot be outsourced by the third respondent herein. The learned Counsel for the petitioner has further contended that a panel of examiners has to be prepared by the Board of Studies and it should be approved by the Syndicate. Only the Examiners from the said panel could be permitted to evaluate the answer sheets of the students of



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Manonmaniam Sundaranar University. The learned Counsel for the petitioner also relied upon Section 24(42) of the Manonmaniam Sundaranar University Act and contended that it is the exclusive power of the Syndicate to approve the panel of Examiners. This power of the Syndicate cannot be usurped by the third respondent herein and he cannot appoint Chief Examiners and Additional Examiners.

3. Per contra, the learned Counsel appearing for the respondents 1 and 2 had contended that during December 2016, University teachers had gone on a flash strike and only in order to meet the emergency situation this arrangement was made for that semester. Thereafter, this guideline has not been utilized by the University. According to the learned Counsel appearing for the respondents 1 and 2, the University is strictly following the University statutes in appointing the Chief Examiner and the Assistant Examiner for evaluating the answer sheets of the students studying in Manonmaniam Sundaranar University. Hence, the learned Counsel for the respondents had contended that the apprehension of the writ petitioner is unfounded.



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4. In view of the submissions made by the learned Counsel for the respondent that a circular impugned in the writ petition is only for December 2016 valuation, in view of the emergency situation and they are strictly following the University statutes, no further orders are called for in the present writ petition. Hence, the writ petition stands closed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions stand closed.

01.12.2022

Index : Yes / No
Internet : Yes / No
btr

To

1. Manonmaniam Sundaranar University,
Represented by its Registrar,
Abishekapatti,
Tirunelveli-627 012.
2. Vice Chancellor,
Manonmaniam Sundaranar University,
Abishekapatti,
Tirunelveli-627 012.
3. Controller of Examination,
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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.24842 of 2016

01.12.2022