



WEB COPY



W.P.Nos.153 & 2161 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.Nos.153 & 2161 of 2020

and

W.M.P.No.2526 of 2020

S.Venkatesh ... Petitioner in W.P.No.153 of 2020

A.Thayumanavan ... Petitioner in W.P.No.2161 of 2020

Vs.

1.The Registrar,
Anna University,
Kotturpuram,
Chennai – 600 025.

2.The Principal,
Bannari Amman Institute of Technology,
Sathyamangalam,
Erode District.

... Respondents 1 and 2 in both WPs

3.Controller of Examination,
Bannari Amman Institute of Technology,
Sathyamangalam,
Erode District.

... 3rd respondent in W.P.No.2161 of 2020

Prayer in W.P.No.153 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the



W.P.Nos.153 & 2161 of 2020

respondent to consider petitioner's representation dated 28.11.2019 and thereby, direct the second respondent not to insist the petitioner to submit his consolidated statement of grade sheets (2015-2019) to their Head of the department of the second respondent college for reduction of Cumulative Grade Point Average shortly called as C.G.P.A. in a retrospective manner pursuant to the letter No.3036/AU/CAC/AC/2019 dated 19.07.2019 issued by the Anna University, Chennai.

Prayer in W.P.No.2161 of 2020: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the first respondent in connection with the impugned letter issued by the first respondent in Letter No.3036/AU/CAC/AC/2019 dated 19.07.2019, Provisional Certificate in Folio No.132272 dated 04.09.2019 issued by the first respondent Degree Certificate in Reg.No.151AU151/RG dated December 2019 issued by the first respondent and Consolidated statement of Grades in Folio No.CA 26021 dated 06.09.2019 issued by the second respondent and quash the same to extent of classification under Second Class and consequently, direct the respondents to classify as First Class and issue the certificates accordingly.

[prayer amended vide order dated 21.06.2023 made in W.M.P.No.1727 of 2021 in W.P.No.2161 of 2020]

W.P.No.153 of 2020

For Petitioner : Mr.R.Naveen Kumar

For Respondents : Mr.V.Meenakshi Sundaram
Standing Counsel [R1]
Mr.Rahul Balaji [R2]



W.P.Nos.153 & 2161 of 2020

W.P.No.2161 of 2020

WEB COPY

For Petitioner : Mr.Ali Hassan Khan

For Respondents : Mr.V.Meenakshi Sundaram
Standing Counsel [R1]
Mr.Rahul Balaji [R2 & R3]

COMMON ORDER

Since the issue involved in both the writ petitions is one and the same, with the consent of the learned counsel appearing for both sides, these writ petitions were heard together and disposed of by this common order.

2. The case of the petitioners is that, after completion of their school education, they joined Bachelor of Engineering (Automobile Engineering) in the second respondent College, which is an autonomous institution affiliated to Anna University. They were admitted in the second respondent College for the academic year 2015 – 2019 and after completing their degree, there were issued with consolidated mark sheet with first class, since they secured more than 6.50 of Cumulative Grade Point Average (CGPA). Thereafter, in the month of August, 2019, all the students of the second respondent College were informed by the HODs that those who



W.P.Nos.153 & 2161 of 2020

have obtained CGPA under 7.0 and have obtained the consolidated mark sheet for first class shall have to return the consolidated mark sheet and will be given fresh consolidated mark sheet as second class. When the petitioners enquired about the return of consolidated mark sheet, the second respondent College has cited the impugned letter issued by the Registrar, Anna University in Letter No.3036/AU/CAC/AC/2019 dated 19.07.2019. However, the action of the second respondent College is baseless and contrary to their own regulations. Challenging the action of the second respondent as well as the impugned letter issued by the first respondent dated 19.07.2019, the above writ petitions have been filed before this Court.

3. The learned counsel for the respective petitioners submitted that, the petitioners have entered into the second respondent College in the year 2015 and completed the course in the year 2019. At the relevant point of time, as per the regulations, person who secured not less than 6.50 CGPA, they are entitled to receive first class mark sheet. However, citing the regulations issued by the first respondent vide letter dated 19.07.2019, mark sheets which was issued immediately after completion of the course as first class was recalled and issued a fresh mark sheet indicating that the



W.P.Nos.153 & 2161 of 2020

petitioners secured second class, which is legally not sustainable.

Accordingly, they pray for appropriate orders.

4. However, the learned counsel appearing for the second respondent College submitted that, the second respondent is an Autonomous Institution affiliated to Anna University. As per the Regulations of the second respondent dated 14.06.2015, the person who secured not less than 6.50 CGPA shall be declared to have passed with First Class. Subsequently, the Anna University modified the regulations in the year 2017 and as per clause 16.2.2 of the said regulations, the person secure a CGPA of not less than 7.00 shall be awarded with First Class. Though the second respondent not modified the regulations, however, that will not give rights to the petitioners to claim first class, since they secured marks less than 7.00 CGPA. Accordingly, he prays for dismissal of the writ petitions.

5. The learned Standing Counsel appearing for the first respondent submitted that, new regulations was introduced in the year 2017. If the petitioners secured CGPA less than 7.00 prior to the year 2017, they are entitled to get first class mark sheet. However, the petitioners completed



W.P.Nos.153 & 2161 of 2020

their course in the year 2017, which is after the new regulations of Anna University came into force. As per the new regulations of the Constitutional Colleges of Anna University, they have suitably modified the regulations in terms with Anna University. Even though the second respondent College not modified the regulations, however, that will not give any rights to the petitioners to claim first class as per the college regulations. Accordingly, he prays for dismissal of the writ petitions.

6. Heard both sides and perused the materials available on record.

7. Admittedly, the petitioners have entered into the second respondent College in the year 2015 and completed their course in the year 2019. It is also an admitted fact that, initially the petitioners were given first class mark sheet by the second respondent College, however, the same was recalled and issued new certificate in terms of new Regulations of the Anna University. As rightly pointed out by the learned counsel appearing for the first respondent that, prior to 2017, as per the regulations of second respondent College, the person who secured not less than 6.50 CGPA are entitled to be considered as first class. Subsequently, the Anna University



W.P.Nos.153 & 2161 of 2020

issued a new regulations in the year 2017, which is ought to have been amended by the second respondent College to their own regulations. However, the same was not amended by the second respondent College. Thereafter, the mark sheets issued not only to the petitioners but also to all the other students were recalled and new mark sheets were issued in terms of the new regulations issued by the first respondent. Hence, the prayer sought for in these writ petitions cannot be granted, since the same will affect the interest of the other students, who have studied along with the petitioners and the writ petitions are liable to be dismissed.

8. Accordingly, the Writ Petitions are dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
sp

21.06.2023
(3/3)



WEB COPY



W.P.Nos.153 & 2161 of 2020

M.DHANDAPANI, J.

sp

To

- 1.The Chief Administrative Officer,
TNEB (AE/Alwarpet),
No.1, Canal Bank Road,
(Near Mandaveli Railway Station),
Narasimapuram – Visalatchi Thottam,
Alwarpet, Chennai – 600 018.
- 2.The Assistant Director,
TNEB, (AEE/O&M/Alwarpet),
T.T.K Road – Teynampet Control,
Luz Corner, Mylapore,
Chennai – 600 004.

W.P.Nos.153 & 2161 of 2020

21.06.2023
(3/3)