



WEB COPY



W.P.No.1262 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2023

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THE HON'BLE MR. JUSTICE C. V. KARTHIKEYAN

Writ Petition No.1262 of 2023

and

W.M.P.No.1081 of 2023

Beulyn Lazarus

... Petitioner

Versus

1. The Registrar,
Pondicherry University,
Kalapet, Puducherry – 605 014.

2. The Controller of Examination,
Pondicherry University,
Kalapet, Puducherry – 605 014.

3. The Principal,
Bharathiyar College of Engineering and Technology,
Karaikal – 609 609.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st to 3rd respondents to consider and take appropriate action on the representations dated 19.11.2022 thereby direct them to give one opportunity to the petitioner as special permission to write the examination of two papers namely M2 & M3 in the fore-coming semester examination on compassionate and humanitarian ground so as to enable the petitioner to complete the course of B.Tech (IT) at the 4th respondent college by extending course completion period.



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For Petitioner : Mr.Prakash Adiapadam
For R2 & R3 : Mr.M.Ravi, Standing Counsel
For R5 : No appearance

ORDER

The Writ Petition has been filed in the nature of a Writ of Mandamus seeking a direction to the 1st, 2nd and 3rd respondents to consider the representation dated 19.11.2022 and give a further opportunity to the petitioner as a special permission to write the examination of two papers namely M2 and M3 in the fore-coming semester examination.

2. The semester examination is to commence on 27.01.2023. The petitioner has filed this Writ Petition and had brought it up today when there is just one working day between today and 27.01.2022. The writing of the said examination would help the petitioner to complete the B.Tech (IT) course in the 4th respondent College.

3. Mr.M.Ravi, learned standing counsel had taken notice on behalf of the 2nd and 3rd respondents who are rearranged as 1st and 2nd respondents and the reasons therefor would be stated later in the order.



4. The petitioner had joined the course between the years 2004 and 2008. But unfortunately, he was not able to complete all the papers and successfully getting pass marks in them.

5. It is his grievance that his father was bedridden with kidney failure. However, it is contended by the learned standing counsel Mr.M.Ravi, that the petitioner's representations were always considered favourably and till the year 2019 nearly for about 10 occasions, opportunity was granted to the petitioner to write the papers which would enable him to qualify for B.Tech decree.

6. It is contended that grant of further opportunity would necessitate the 1st and 2nd respondents to bend the rules to an extreme extent in favour of the petitioner.

7. However, the petitioner had given a representation and the 1st and 2nd respondents may consider the said representation and pass any order as deemed fit taking into consideration the reasons given by the petitioner. They are under an obligation to pass an order. Even if they are not able to pass an order before 27.01.2023, let them pass an order



within a reasonable time. If at all, they favorably consider the case of the petitioner, the petitioner may then have an opportunity to write the examination in the next semester.

8. I leave the decision to be taken in an appropriate manner by the 1st and 2nd respondents.

9. It is also seen that the petitioner had impleaded the Vice Chancellor of the Pondicherry University as the 1st respondent. The Vice Chancellor can never answer to the representations given. It is the Registrar and the Controller of Examinations who are the appropriate authority.

10. Impleading the Vice Chancellor of the University has to be frowned upon by this Court. The petitioner must realize that he is studying in a reputed University and should make the proper authorities as respondents. Impleading the Vice Chancellor should be avoided and the petitioner should realize his responsibilities. Therefore, the petitioner must also give an apology letter to the 2nd and 3rd respondents /The Registrar and the Controller of Examination, Pondicherry University for



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impleading the Vice Chancellor of the University in this present Writ
Petition.

11. Since the Vice Chancellor is not a necessary party, orders are passed, deleting him as the respondent. The Order copy may be issued after deleting the 1st respondent and rearranging the other respondents in serialturn accordingly.

12. The Writ Petition stands disposed of with the above observations. No costs. Consequently, the connected miscellaneous petition stands closed.

24.01.2023

ssi

Index : Yes/No

Internet : Yes/No

Neutral Citation Case: Yes/No

To:

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C. V. KARTHIKEYAN, J.
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