



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2023

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THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.Nos.10180, 14239 & 14240 of 2018

R.Harresh Kumar	.. Petitioner in W.P.No.10180 of 2018
A.Jaya Sudha	.. Petitioner in W.P.No.14239 of 2018
B.Amirtha	.. Petitioner in W.P.No.14240 of 2018

Vs.

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

2.The Director, Academic Courses,
Anna University,
Chennai – 600 025.

3.The Additional Controller of Examinations (ACOE),
CEG / AC Tech. / MIT / SAP Campus,
Anna University,
Chennai – 600 025.

4.The Dean,
School of Architecture and Planning,
Anna University,
Chennai – 600 025.

.. Respondents in all writ petitions



Common prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the entire records of the respondents pertaining to the impugned 4th Semester results dated 08.06.2017 declaring the petitioner for re-appearance (RA) conducted for the subject namely Thesis in subject code AA7411 and revised 4th Semester results dated 15.06.2017 and the supplementary results dated 03.08.2017 and to quash the same as illegal, incompetent, patent irregularity and ultra vires of the established Anna University Regulations, 2015 and consequently, directing the respondents to declare the petitioner having completed the 4th Semester and issue a Mark Sheet and Completion Certificate on par with the other students.

(In all writ petitions)

For Petitioner .. Mr.Ma.P.Thangavel

For Respondents .. Mr.V.Meenakshi Sundaram
Standing Counsel

COMMON ORDER

All the three writ petitions have been filed in the nature of Certiorarified Mandamus to call for the records relating to the 4th Semester



results declared on 08.06.2017, by which the petitioners were directed to re-appear for one subject, namely Thesis and also with respect to the supplementary results, declared 03.08.2017 and to quash both the results as being *ultra vires* the Regulations of the Anna University, 2015, and direct the respondents to declare the petitioners as having completed the 4th Semester and issue necessary Mark Sheet and Completion Certificate on par with other students.

2. All the three writ petitioners are questioning the same examination which they had appeared, namely the Thesis exam. Since the arguments in all the three writ petitions overlapped and the facts also overlapped and the arguments in reply on behalf of Anna University were also on the same line, it is only prudent that a common order is passed in all the three writ petitions.

3. W.P.No.10180 of 2018 had been filed by R.Harresh Kumar, who in his affidavit stated that he had completed his Bachelor of Architecture in May 2015 and joined Master's degree in Architecture in the School of Architecture and Planning (SAP Campus), Anna University, Chennai, in



August 2015. His Registration Number is 2015804007. He should have completed the course in May 2017, since M.Arch is a two year course.

4. W.P.No.14239 of 2018 has been filed by A.Jaya Sudha, who also had completed her Bachelor of Architecture and joined Master's degree in Architecture in the the same School of Architecture and Planning (SAP Campus) from August 2015 and she should have also completed her course in May 2017, since it is also a two year course. Her Registration Number is 2015804009.

5. W.P.No.14240 of 2018 has been filed by B.Amritha, who also completed her Bachelor of Architecture and later joined Master's degree in Architecture in the very same School of Anna University from August 2015. She should also have completed her course in May 2017, since it is a two year course. Her Registration Number is 2015804001.

6. It is thus seen that all the three writ petitioners have joined M.Arch., course together, in Anna University. The two years of study are divided into four Semesters. One Semester is for about six months. The Post



Graduate degree programme has its own curriculum and syllabi and also consists of Theory courses, Elective courses, Dissertation, Internship Training and Thesis.

7. The petitioners have now raised issues only with respect to the subject of Thesis. According to them, the answer papers which they had written had not been corrected in accordance with the Regulations of Anna University. The total marks for this particular paper, namely Thesis is 100 marks. Out of 100 marks, the internal assessment is for 70 marks and the remaining 30 marks is for external assessment. As is commonly known internal assessment would be on the basis of three Mid-Semester internal examinations. The external examinations, though would be conducted for 100 marks and the marks obtained would be proportionally reduced and calculated for 30 marks. The overall results should be published at the end of the end Semester. There are guidelines as to what is a pass mark when there is an internal assessment and when there is an external examination. Interpretation of those guidelines, by the petitioners on the one side and by the respondents on the other side, have led to the filing of these three writ petitions.



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8. All the writ petitioners stated that in respect of the first, second and third Semesters, they had secured good grades and therefore, they were confident that only in this paper namely, Thesis, which was the paper in the 4th Semester, they would also get atleast the pass mark. The internal assessment, as stated was of three separate assessments, during that particular Semester and it should be a “presentation” to be made by the students. There is a Review Committee, which would assess the students for awarding internal assessment marks. The Head of the Department shall constitute a Review Committee, and this Committee should be approved by the Chairman. There will also be a Thesis Co-ordinator, a Supervisor of the Thesis and one external member for each branch of Study. The total marks obtained in the internal assessment would be reduced to 70%. The remaining 30% as stated earlier would be assessed during the external examinations. There are various methods, in which, the students will be assessed for the internal assessment but, examination of the modality of the same are beyond the scope of these writ petitions.



9. It is needless to point out that the petitioners had been assessed in their internal assessments and had also written their external examinations.

The marks obtained by them qualified them to be given a “pass” in that particular paper or did not so qualify them, is the subject matter of the writ petitions.

10. It is also to be noted that the petitioners had written the said paper, namely Thesis, on two occasions, namely on 15.06.2017, which was the end of the 4th Semester and since it had been declared that they did not obtain “pass marks” and should re-appear in that particular paper, they again wrote the supplementary examinations on 03.08.2017. Unfortunately, they again suffered adverse marks and quite frustrated at that, they have come before this Court by filing these writ petitions, in the nature of a Certiorarified Mandamus, seeking interference with the marks granted or rather, to interpret that the marks which had been granted actually qualified them as having secured “pass” mark.

11. The petitioner in W.P.No.10180 of 2018, R.Harresh Kumar, in the end Semester examination / 4th Semester in April 2017, with respect to



this particular subject, namely Thesis, had obtained 24 marks out of 70 marks in the internal assessment and had obtained 62 marks out of 100 marks in the external examination.

12. The petitioner in W.P.No.14239 of 2018, A.Jaya Sudha, had obtained 18 marks out of 70 marks in the internal assessment and had obtained 25 marks out of 100 marks in the external examination.

13. The petitioner in W.P.No.14240 of 2018, B.Amirtha, had obtained 28 marks out of 70 marks in the internal assessment and had obtained 52 marks out of 100 marks in the external examination.

14. It is to be noted that though the total marks are reduced to 100 in 70 : 30 proportion, the candidates are actually given Grades, which are reflected in their Mark Sheets. There is Grade 'O', which would indicate that the candidate had secured between 84 marks and 100 marks, there is Grade 'A+', which would indicate that the candidate had secured between 75 marks and 83 marks, there is Grade 'A', which would indicate that the candidate had secured between 65 marks and 74 marks, there is a Grade 'B+', which



would indicate that the candidate had secured between 55 marks and 64 marks and there is a Grade 'B', which would indicate that the candidate had secured between 48 marks and 54 marks. If the grade is noted as RA it indicate that the candidate must re-appear for that paper.

15. These facts are given in the Course Grade Sheet, which had been issued to all the students, who attended the M.Arch., 4th Semester examinations in April 2017. This would indicate that this Grade system and the marks, namely in the proportion of 70 : 30 ratio for internal assessment and the external is uniformly applied to each and every student and not to any particular individual.

16. This also indicates that every student should conform to these Regulations and should obtain the necessary requisite pass marks as mentioned in the Regulations. The reduction of marks for external examinations from 100 to 30, would indicate that the marks, which had been given out of 100, should be further reduced to 1/3rd and that should be taken into consideration. This would further indicate that the petitioner in W.P.No.10180 of 2018, namely R.Harresh Kumar, who had secured 62



marks out of 100 marks, must be categorised as having secured 19 marks out of 30 marks in the external examination. Similarly, the petitioner in W.P.No.14239 of 2018, A.Jaya Sudha, who had secured 25 marks out of 100 marks in the external examination, must be categorised as having secured 8 marks out of 30 marks. The other writ petitioner in W.P.No.14240 of 2018, B.Amirtha, who had secured 52 marks out of 100 marks in the external examination, must be categorised as having secured 16 marks out of 30 marks in the external examination.

17. The cumulative total of all these three writ petitioners were therefore respectively, 43 out of 100, which included internal mark out of 70 and external mark out of 30 and 44 marks out of 100, which again included internal mark out of 70 and external mark out of 30 and 26 marks, which again included internal marks, out of 70 and external out of 30. Since all these three total marks namely 43, 44, 26 respectively were less than 50% out of 100 marks, they were again declared to re-appear for the said paper.

18. It must be pointed out that they had re-appeared for the



examination, and had written the 'Supplementary Examinations'. That was conducted in August 2017. Two of the students, namely the writ petitioner in W.P.No.10180 of 2018 and the writ petitioner in W.P.No.14239 of 2018, also underwent that particular Semester again. Therefore, they were assessed for internal examination again independently and had to written the external examination also.

19. The same procedure had been followed to be conducted. The internal assessment was for 70 marks and the external assessment was for 100 marks, reduced to 30 marks. During the internal assessment, which was for 70 marks, the writ petitioner in W.P.No.10180 of 2018, obtained 23 marks. He obtained 55 marks out of 100 in the end Semester or external examination. This was reduced to the mark out of 30. The other candidate A.Jaya Sudha, the writ petitioner in W.P.No.14239 of 2018 had obtained 20 marks in the internal assessment and 30 out of 100 in the external assessment. Again, the external assessment had to be reduced to out of 30 marks. It must be mentioned that the internal marks stated above were out of 70 marks. The marks indicated that R.Harresh Kumar, got totally 40 marks out of 100 marks and A.Jaya Sudha, got totally 29 marks out of 100



marks, which mean that they had to re-appear for the said exam again.

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20. Quite frustrated at these repeated failures in the Thesis paper, imputing mala-fide on the part of the respondents, these writ petitions had been filed.

21. It must be mentioned that the Grades given are only subject to the Rules and Regulations. It was however pointed out that there was a slight change in the grading when R.Harresh Kumar and A.Jaya Sudha, again re-did that particular Semester. So far as this particular subject of Thesis is concerned, it is stated that 'B' Grade, which is the minimum grade was for marks between 50 and 57 and not between 48 and 54 marks, as was in the case when they had written the examination earlier in April 2017.

22. In the affidavits filed in support of these writ petitions, while pointing out the various Rules and Regulations, the petitioners have also stated that they were not provided any opportunity to verify the answer papers. It was also alleged that so far as the internal assessments are concerned, the marks were not updated immediately. It was also alleged that



without prior intimation or information, the respondents had published the consolidated marks for the April 2017 examination. An issue was also raised whether the Dean and the Head of Department, who were holding in-charge posts could, could hold all the three positions namely as Dean, as Head of the Department and as Subject Co-ordinator. It is claimed that holding all the three positions as aforesaid was against the Rules and Regulations of the University.

23. It was also stated that the Thesis paper should be submitted within a period of 30 days from the last working day of the Semester and the Portfolio should be submitted within a period of 30 days from the last working day. It was complained many irregularities, had happened and it was complained that owing to such irregularities alone, the petitioners failed and were directed to re-appear for the same examination. It was also complained that the supplementary examinations held in August 2017 was evaluated by the same external evaluators, who had also examined the end semester in April 2017. It was stated that the procedures were not properly followed. Complaining about these irregularities, the writ petitions had been filed.



24. It is thus seen that the petitioners have written their examinations in April 2017 and written their supplementary examinations in August 2017.

Two of the writ petitioners had again re-done the entire Semester. On all the occasions, they had been declared that they should re-appear for the examination of Thesis once again.

25. In the counter affidavit filed by the Registrar of Anna University, the Rules and Regulations were again pointed out, namely Clause 10.1 of the Regulation, which would be examined during the course of discussion. It had been stated that the criteria for arriving at the internal assessment marks, is on the basis of the presentation by the students before the Review Committee, and weightage to be given for each review will be discussed by the Multiple Course Committee. It was further stated that the Multiple Course Committee meeting was convened by the Co-ordinator on 08.02.2017 and only thereafter, the marks for internal assessments given.

26. It was stated that the first assessment will have two reviews and shall be awarded 10% out of the 70%, of the internal assessment marks. The second assessment will also have two reviews and this would be for 20% out



of the 70% of the final internal assessment marks. The third assessment will have one review and it would carry 40% out of the 70% for the final internal assessment marks.

27. It is thus seen that a candidate is tested during the entire Semester. There are three internal assessment marks and the total is calculated for 70 marks. Out of the 70 marks, the first internal assessment, would be for 10%, the second assessment would be for 20% and the third assessment would be for 40%. These are the Rules and Regulations and Guidelines. This Court cannot enter into any discussion on the same.

28. The allegations of prejudice, which had been stated in the affidavit filed in support of these writ petitions, had been very specifically denied in the counter affidavit.

29. It had been reiterated that weightage for internal marks are awarded by the respondents as decided by the Multiple Course Committee. It was stated that the marks for each review in the internal assessment had been calculated only as per the weightage distribution for each review. It was



specifically stated that there was no violation of any of the Rules of the University in the award of marks to the petitioners. It was also stated that the marks were awarded only on the basis of the performance of the candidates. It was also stated that when the marks are very low, atleast for 10 students, then an additional review would be suggested for those 10 students. It was an opportunity for them to improve their standard. It was also stated that the submission of Thesis dates were announced by a Circular dated 24.04.2017. It was also stated that the time table for the external examinations were also put up and published in the Notice Board. It was also stated that the results were processed and published in the office of the Additional Controller of Examinations (ACOE). The revised results were also published owing to a manual error with respect to one of the candidate namely J.Saravana Balaji. He was a candidate who had re-appeared for the examination, but was given Grade 'B', wrongly, which was corrected.

30. It was also stated that the circular for the supplementary examinations were also issued and the students had written their supplementary examinations. In effect, it was reiterated that the examinations were conducted in accordance with the Rules and Regulations



and there was no scope for any manipulation or any personal prejudice to creep in awarding of marks.

31. The learned counsel for the petitioner however expanded the scope of the examination of the issues during the course of arguments. The learned counsel pointed out a candidate J.Saravana Balaji, who had obtained very low marks, when he had first written the external examination and subsequently had got quite credible marks. The learned counsel therefore wondered as to how such improvement could have been made by that particular student. The learned counsel also raised allegations about the Head of the Department / Dean / Co-ordinator of studies and stated that the same individual had acted in all the three capacities, and therefore contended that there was an irregularity prevalent in the entire system. It was also contended that the assessments were not done properly and that external marks should have been re-appraised in accordance with the guidelines and the Rules.

32. Since there was much insistence on the Rules and guidelines, and arguments were advanced on that aspect, will only be appropriate that this



Court first examines the Rules and guidelines.

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33. There are separate Regulations for M.Arch., students, which had been issued in the year 2015 and which covers these three writ petitioners. There is no denial or dispute about that fact. Regulation No. 10, relates to assessment procedure for awarding marks. It had been very specifically stated that for Thesis, for continuous assessment or what can be termed as internal assessment, the total marks awarded would be 70 and for end Semester / Viva Voce examinations or external examination, the total marks awarded would be 100 and reduced to out of 30 marks..

34. The proportion to be obtained between the 70 – 30 marks had been given in Regulation No.10.6. This is the only Rule, relied on by both the learned counsels. Therefore, it is only appropriate that Regulation No. 10.6 is extracted hereunder.

“ 10.6. Assessment of Thesis

There shall be a minimum of three assessments (each carrying 100 marks) during the semester by a review committee. The students shall make a presentation on the



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progress made before the committee. The Head of the Department shall constitute the review committee on approval of Chairman, which shall comprise of Thesis Co-ordinator, Supervisor of the thesis and one external member for each branch of study. The total marks obtained in all the assessments put together, shall be reduced to a weightage of 70% of the total marks prescribed for the course.

Thesis students shall submit final report / presentation drawings / models for viva voce examination on the date of submission fixed by the Course Committee Meeting and approved by the end of the Semester by one / two external examiners appointed by the Head of the Department and approved by the Chairman, Faculty for a weightage of 30% of the total marks. The Co-ordinator and the Supervisor shall also be present at the Viva-Voce Examination.

The student is expected to obtain a minimum of 50% in the end semester examination (Viva-Voce) in order to obtain



pass in the Thesis.

The student who fails (vide Clause 11) in the Thesis shall register for the same in the subsequent semester, when offered next, and repeat the Thesis again.”

35. It had been provided that with respect to internal assessment, there will be three assessments. Each assessment would be for 100 marks. This would be evaluated by the Review Committee. The nature of examination or testing of the students would be based on the students submitting a presentation before the Committee. The Head of the Department shall constitute the Review Committee and the Committee should be approved by the Chairman. It should contain the Thesis Coordinator, Supervisor of the Thesis and one external member. The marks obtained in each one of the three assessments, which would be individually assessed for 100 marks, would then be consolidated for 70 marks. Out of 70 marks, 10 marks would be allotted for the first assessment, 20 marks for the second assessment and 40 marks for third assessment. It is thus seen that a candidate / student is assessed right through the semester at each stages.

36. Thereafter, the student should submit the final report or what may



be called a “presentation of drawings” or “models” for Viva-Voce examination, which is the external examination. It must be kept in mind that all the students are Master of Architecture students. This would naturally involve the work of designing and preparation of models and drawings. It is on those basis that this particular subject Thesis is evaluated. It is not like what we normally understand of questions asked and answers being given. On the final assessment of the students, they have to present a model or drawing of Architectural designs. This particular model or drawing or final report, which is presented for the external examination, should again be assessed by one or two external examiners. They must be appointed by the Head of Department and must be approved by the Chairman and faculty. The total marks awarded is 30%. The Thesis Co-ordinator and the Supervisor shall also be present at the time of Viva Voce examination.

37. It is stated in Regulation No. 10.6 that, after assessing the students on internal assessment for 70 marks and assessing the students for 30 marks in the external examination, the total marks obtained put together should be atleast minimum of 50 marks. The wordings have been differently interpreted.



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38. It is interpreted by the learned counsel for the petitioners that if in the external examination or rather on the Viva Voce examination, if minimum 50% marks is obtained, then the student should be declared as having passed the examination. It is however, interpreted by the learned counsel for the respondents that the internal assessment put together should be more than 50% for the students to qualify as having passed. It is also stated that, if somebody fails, then they can register for subsequent semester and repeat the Thesis exam again. As stated above, two of the petitioners namely R.Harresh Kumar and A.Jaya Sudha did their examinations once again.

39. The learned counsel for the petitioners insisted that the original records should be produced and stated that this Court should examine as to whether the marks as awarded were correct or not correct. He stated that the original records were earlier perused by a learned Single Judge of this Court and therefore, this Court should also call for the original records. That would mean that the petitioners question even the manner in which the answer papers have been evaluated. The students are assessed only by their



respective examiners. This Court cannot sit as an Appellate Authority over the examiners and examine the internal assessment marks given to the petitioners herein and give additional marks or even subtract marks already given.

40. The learned counsel further stated that the external marks should be again re-visited by this Court. This would indicate that the Viva Voce as presented by the petitioners, should be called for by this Court and this Court should independently assess it and give marks out of 100 and reduce the marks to 30%.

41. The question which begs an answer is whether this Court is competent enough to do that particular exercise. Quite honestly, this Court is not competent in that regard. There have been arguments advanced about the representations given by the father of the writ petitioner in W.P.No.10180 of 2018. That father incidentally was previously the Vice Chancellor of the University. But that is a fact which cannot be stated to be to the advantage of the students. I would ignore that aspect.

42. The petitioners necessarily have to get pass marks as is required.



There cannot be a half way assessment. It is seen that, in this case, the petitioners have appeared for end Semester / 4th Semester examination and have also re-appeared for the supplementary examination and two of them have done the entire Semester again. Therefore, their internal assessment has been done on two separate occasions. The issue of discretion can be alleged only in the assessment during the internal examinations. This Court cannot direct re-evaluation of the papers. The Rules do not permit that. If the Rules permit, the petitioners themselves could have applied for re-evaluation of the papers. They have not done so. They cannot call upon the Court to do so. The Court cannot substitute itself for the examiners of the respondents. The respondents have done their evaluation and the Court should not suspect their motive. I do not see any reason to hold that the petitioners alone have been discriminated against in this particular aspect.

43. In view of the above reasons, let me take a balanced path and issue the following directions;-

(i) The internal marks of the petitioners herein may be reiterated and as a matter of fact, two of the petitioners, namely R.Harresh Kumar and A.Jaya Sudha, had done their internal assessments twice over. The higher



marks out of external assessments obtained by them may be retained for both the two students. As far as other petitioner B.Amirtha, is concerned, her internal assessment may be retained.

(ii) Let the petitioners again write the external examinations. Let that assessment of the external examination be done by an independent examiner and not by the same examiner who had earlier assessed the petitioners herein.

(iii) This does not mean that the examiners who had assessed the petitioners have not assessed them properly but stated only to inspire confidence on the petitioners, who are after all students, and yet to mature in life and gain experience in life. Let them be assessed by separate examiners, so far as the external examination is concerned.

(iv) Let not filing of the writ petitions be put against the petitioners herein. The respondents shall do the fresh assessment in a transparent manner. Therefore, the marks obtained by the petitioners herein in the external examinations now to be conducted based on the directions of this Court, may be revealed to the petitioners. Let the petitioners be taken into confidence. The University after all, has to ensure that the students pass and move on in their life. The University does not gain if they do not permit any



student to stagnate in a particular course. This will not help the University's image in the long run. The University should assess any student to clear the papers and qualify them in that particular course, which they have studied. It is to be noted that Master of Architecture is a well-favoured course. The petitioners should be given an opportunity to put their qualifications to test in the outer world. They should not circulate within the University, writing examination after examination. Let the University therefore, if required, provide special assistance to these three petitioners for their external examinations and assist them in getting good marks in the external examinations. The petitioners may take up this particular opportunity.

(v) The higher marks obtained in the internal examination should be taken into consideration for all the three assessments, and the external examination alone has to be conducted at the earliest whenever it is to be conducted for other students. The external examination should be assessed by examiners who had not so far assessed the petitioners herein. Let there be transparency in the external examinations. Before the external examinations, if required, let special coaching be given to all the three students, so that they would focus more and would be able to qualify in the external examinations.



Let the respondents hold out an arm of co-operation and assistance to the petitioners herein. I hope that as officials in the teaching arena, the respondents would extend their assistance to the petitioners herein.

44. With the above directions, these writ petitions stand disposed of.

No costs.

01.03.2023

Index:Yes/No

Neutral Citation : Yes/No

Speaking order / Non Speaking order

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To



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Anna University,
Chennai – 600 025.
- 2.The Director, Academic Courses,
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C.V.KARTHIKEYAN,J.

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