



W.A.Nos.608 and 609 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.Nos.608 and 609 of 2023

1.The Registrar

Tamil Ndu Agricultural University,
Coimbatore,
Coimbatore District.

2.The Controller of Examinations,

Tamil Ndu Agricultural University,
Coimbatore,
Coimbatore District.

.. Appellants in
both WAs

Vs

1.S.Lakshmi

2.The Principal,

Nammalvar College of Agriculture and Technology,
Kamuthi,
Ramnad District.

.. Respondents 1 and 2
in W.A.No.608/2023



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1.Meenu Ramesh Kumar

2.The Principal,
Nammalvar College of Agriculture and Technology,
Kamuthi, Ramnad District.

3.The Secretary,
Kerala Public Service Commission,
Pettah, Thiruvananthapuram,
Kerala State.

.. Respondents 1 to 3
in W.A.No.609/2023

Prayer: Appeals under Clause 15 of the Letters Patent against the order dated 20.02.2023 passed by the learned Single Judge in W.P.Nos.3956 and 4457 of 2023.

For the Appellants : Mr.C.Prakasam

For the Respondents : Mr.R.Sankara Subbu
for respondent No.1
in both appeals

COMMON JUDGMENT

(Order of the court was made by the Hon'ble Acting Chief Justice)

These writ appeals are directed against two separate orders dated 20.2.2023 passed by the learned Single Judge in W.P.Nos.3956 and 4457 of 2023.



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2. The first respondents in these writ appeals are the writ petitioners. Both the writ petitioners/first respondents herein were pursuing B.Sc. Agriculture course at the Tamil Nadu Agricultural University, Coimbatore. The first respondent in W.A.No.608 of 2023, who is the writ petitioner in W.P.No.3956 of 2023, had written her last examination of sixth semester arrear subject on 4.1.2021. The results were declared on 8.1.2021. However, the provisional certificate issued to the petitioner/first respondent herein was dated 5.2.2021. The first respondent in W.A.No.609 of 2023, who is the writ petitioner in W.P.No.4457 of 2023, also raised a similar grievance.

3. The learned Single Judge, vide two separate orders dated 20.2.2023 which are impugned in these writ appeals, directed the appellant/University to issue fresh provisional certificates to the writ petitioners/first respondents herein indicating that they were successful in the examination written by them on 4.1.2021 within a period of one week from the date of receipt of a copy of the said



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order. Assailing the said orders, the present writ appeals have been filed by the appellant/ University.

4. Mr.C.Prakasam, learned counsel appearing on behalf of the appellants, would submit that the result declaration proposals were sent to the Controller of Examinations by the respective colleges and after verification of all the documents pertaining to all the eight semesters, along with reappearance examinations, if any, the University has to issue the certificate and, therefore, the university was justified in mentioning the date as 5.2.2021 in the provisional certificates issued to the writ petitioners. He pleaded for setting aside the orders passed by the learned Single Judge.

5. Mr.R.Sankarasubbu, learned counsel appearing on behalf of the first respondent in both the appeals, would submit that the qualification of the person is deemed to have been acquired on the last date of the final examination and, therefore, the learned Single Judge has rightly directed the appellant/University to state the last date of examination in the provisional certificate. He pleaded that



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the writ appeals may be dismissed.

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6. The issue raised in these appeals is no longer *res integra*. A Co-ordinate Bench of this Court, to which one of us (D.B.C.,J.) was a member, in ***K.Pandiyar v. Director of Elementary Education, 2022 SCC OnLine Mad 4371***, under similar circumstances, held as under:

*"6. At the outset, by the earlier order of this Court in W.P. No. 18339 of 2010, as confirmed by the Division Bench in W.A. No. 1636 of 2012, the law regarding the matter is settled in which this Court has categorically declared that **once the person obtains the qualification, the date of obtaining the qualification will not be the date of declaration of results or the date of entering the same in the service register but the date of writing the last examination.** Admittedly, the writ petitioner wrote the last examination on 23.10.2020. Therefore, once the results are declared on 05.10.2021, the same would date back to 23.10.2020. The crucial date for the promotion in the respective year is 01.01.2021 and therefore as on*



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the crucial date, the writ petitioner has obtained the qualification. The only contention made by the respondents is that before panel was prepared in the month of November, the petitioner's qualification was not entered in the service register. It is seen that even the panel was prepared only on 15.11.2021. By the said time, on 05.10.2021 itself, the results were declared and the writ petitioner had informed about the same to the respondents.

7. In that view of the matter, it is only the administrative delay on the part of the respondents to enter the qualification in the service register which happened only on 23.11.2021 and that cannot be put against the writ petitioner for no fault of him. Therefore, we find that even though the learned single Judge has directed the respondents to consider the case of the writ petitioner, the observations made in para 10 of the impugned order cannot stand scrutiny in view of the earlier pronouncements of this Court that the qualification will date back to the last date of examination.”

[emphasis supplied]



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7. Following the ratio propounded in *K.Pandiyan*, supra, another Division Bench of this court, to which one of us (D.B.C., J.) was a member, in the judgment dated 29.9.2022 in W.A.Nos.425 of 2022 and batch cases [*L.Sundararajan v. S.Rajavardhanan and others*] held that the qualification of the person is deemed to have been acquired on the date of the final examination.

8. In view of law laid down by the Co-ordinate Bench of this Court in the decisions, referred supra, we do not find any reason to interfere with the orders passed by the learned Single Judge. The writ appeals are, accordingly, dismissed. There will be no order as to costs. Consequently, C.M.P.Nos.5988 and 5993 of 2023 are closed.

9. At this juncture, Mr.C.Prakasam, learned counsel appearing for the appellant/University, submitted that, since the appellant/University was pursuing the writ appeals, they did not comply with the direction issued by the learned Single Judge, which led to the filing of contempt petitions by the writ petitioners/first



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respondents herein. He submitted that the appellant/University will issue revised provisional certificates to the writ petitioners/first respondents herein on or before 21.3.2023.

10. The aforesaid statement made by Mr.C.Prakasam, learned counsel appearing for the appellant/University, is recorded and the University is directed to issue revised provisional certificates to the writ petitioners/first respondents herein on or before 21.3.2023.

(T.R., ACJ.) (D.B.C., J.)
17.03.2023

Note to Registry:

Issue order copy on or before 20.3.2023

Index : No
Neutral Citation : No
sasi

To:

The Secretary,
Kerala Public Service Commission,
Pettah, Thiruvananthapuram,
Kerala State.



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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

(sasi)

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