



W.A.No.975 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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The Director
Bharathidasan Institute of Management
BHEL Complex, MHD Campus
BHEL Trichy Main Office Road
Tiruchirapalli
Tamil Nadu 620 014.

.. Appellant

Vs.

1. B.Staines

2. The Registrar
Tamil Nadu Agricultural university
Coimbatore 641 003.

3. The Director
National Institute of Food Technology
Entrepreneurship and Management
Pudukottai Road, Thanjavur.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 20.03.2023 in W.P.No.4912 of 2023.



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For the Appellant : Mrs.AL.Ganthimathi
Senior Counsel
For Mr.L.Palani Muthu

For the Respondents : Mr.S.Prabhakaran
Senior Counsel
For Mr.S.Conscious Elango
for Respondent-1

Mr.C.Prakasam
for Respondent-2

No appearance
for Respondent-3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mrs.AL.Ganthimathi, learned Senior Counsel for Mr.L.Palani Muthu, learned counsel for the appellant, Mr.S.Prabhakaran, learned Senior Counsel for Mr.S.Conscious Elango, learned counsel for the first respondent and Mr.C.Prakasam, learned counsel for the second respondent.

2. The first respondent had been given admission to M.B.A.



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Course by the present appellant in June 2022. The first respondent had passed the Common Admission Test. On the basis of the marks obtained in the Common Admission Test, the first respondent was given admission by the appellant to M.B.A. Course at the relevant time. The first respondent did not produce the mark sheets of the undergraduate course nor the undergraduate degree was produced. Initially, the first respondent was granted time to produce the mark sheets of the undergraduate course till July, 2022. The same was extended by the appellant up to December, 2022 and subsequently, up to 13.02.2023.

3. The first respondent was prosecuting the matter for award of grace marks.

4. According to the appellant, the first respondent was agitating for grant of grace marks in the undergraduate Course. The application of the first respondent for grace marks was not decided. However, the first respondent again appeared for a paper in the



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final semester of the undergraduate course and passed the same and thereafter, the undergraduate degree was submitted.

5. Learned Senior Counsel for the appellant submits that as the first respondent could not get the degree certificate of the undergraduate course, he was not eligible to be admitted to M.B.A. Course. One of the qualifications for admission to M.B.A. Course is a pass in the Common Admission Test. The candidate should also possess 50% marks in the undergraduate Course.

6. The learned Single Judge, under the impugned order, directed the present appellant to allow the first respondent to continue the third semester and appear for the Mid-Term and End-Term examination in the M.B.A. Trimester by accepting the Course Completion Certificate of the first respondent. The appellant did not appear in the writ petition before the learned Single Judge. Now, the first respondent has completed fourth semester also. Only two semesters are remaining. Three-fourth of the Course has been



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7. Certainly, the appellant has made out a point for consideration. However, the appellant has to be faulted with. The appellant did not appear before the learned Single Judge and allowed the first respondent to proceed further.

8. The first respondent has now got the degree of the undergraduate course and has also completed the fourth semester of M.B.A. Course.

9. We are told that the appellant has given admission to many such students without the production of degree certificates or mark sheets of the undergraduate course and given them time to submit the same. The same, probably, was on account of Covid-19 situation.

10. Be that as it may, the appellant could not have granted



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admission to any of the students without the mark sheets of the undergraduate course as it is a basic requirement of eligibility. May be due to Covid-19 situation, the appellant has taken sympathetic approach towards the students. At the same time, the appellant has also compromised with the eligibility of the students.

11. Now, the learned Single Judge has already exercised his discretion and permitted the first respondent to pursue the course considering the interest of the student. Further, as four semesters are already completed, we are not interfering with the discretion exercised by the learned Single Judge. However, the appellant shall also bear in mind that all the necessary documents are required to be placed at the time of granting admission. May be, at the time of appearing for the Common Admission Test, the degree certificate may not be available. But, at the time of admission, the degree certificate/mark sheets of the undergraduate course has to be produced mandatorily and the same has to be followed by the appellant in all matters henceforth.



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12. In the light of the above, the writ appeal is disposed of.
There will be no order as to costs. Consequently, C.M.P.No.9683 of
2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

06.11.2023

Index : Yes/No
Neutral Citation : Yes/No

kpl

To

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