



W.P.(MD)No.10483 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.10483 of 2021

B.Devandranath

... Petitioner

Vs.

1.The Registrar,
Anna University,
Guindy, Chennai-600 025.

2 .The Director,
Student Affairs,
Anna University, Chennai-600 025.

3.The Controller of Examinations.
Anna University, Chennai-600 025.

4.The Principal
Adhi Prasakthi Engineering College,
Melmaruvathur-603 319.

5.The Principal
Sri Subramanya College of Engineering and
Technology,
NH 209, Sukkamanaickanpatti,
Palani-624 615,
Dindigul District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to instruct the respondents 2 to 5 to provide the petitioner's Vth semester Grade Sheet, Provisional Certificate, Consolidated statement of Grades and Degree Certificate by considering the petitioner's representation dated 12.05.2021 within a stipulated period of time as directed by this Court.

For Petitioner : Mr.B.Janarth Kumar

For R-1 to R-3 : Mr.J.John Rajadurai

For R-4 : No Appearance

For R-5 : Mr.D.Venkatesh

ORDER

When the matter came up for hearing on 18.10.2023, this Court passed the following order:

“This writ petition has been filed for issue of writ of mandamus directing the respondents to provide V Semester Grade Sheet, Provisional Certificate, Consolidated Statement of Grades and Degree Certificate, by considering the representation made by the petitioner on 12.05.2021.

2. The case of the petitioner is that he was admitted to Bachelor of Engineering in the year 2010 and was allotted in the 4th respondent



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College and he joined B.E (ECE) Course. He did this course in the fourth respondent College till the fourth semester. In the year 2013, he submitted an application for transfer of institution and the same was allowed by the first respondent, through memo, dated 17.06.2013 and accordingly, the petitioner was transferred to the fifth respondent College.

3. The further case of the petitioner is that he had completed his degree in the year 2018 and in spite of the same, he was not provided with the V Semester Grade Sheet, Provisional Certificate, Consolidated Statement of Grades and Degree Certificate. In view of the same, the petitioner had made a representation in this regard and since the same was not considered, the present writ petition has been filed before this Court.

4. When the matter came up for admission on 02.07.2021, this Court passed the following order:

“The learned Standing counsel appearing on behalf of the University submitted that there is a particular procedure to be followed under Clause 18.2 of the Regulations of the Anna University where a candidate rejoins a programme after a break of study. According to



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the University, there is no material to show that the College had followed this procedure.

2. In view of the specific stand taken by the University, it becomes necessary for this Court to hear the concerned College before passing final orders in this case.

3. Notice to the fourth and fifth respondents returnable by 12.07.2021. Private notice is also permitted.

4. Registry is directed to post this case under the caption For Orders on 12.07.2021”

5. The fifth respondent has filed a counter affidavit and the relevant portion is extracted hereunder:

“3. I submit that with regard to the averments contained in Para 3 of the affidavit, I would like to add few more necessary facts which are purposely omitted by the petitioner. It is true the petitioner was allowed and readmitted in our institution during the academic year 2012-2013 to continue his studies from 3rd year onwards ie. from 5th Semester. But he miserably failed to attend the college not only during the academic year 2012-2013, but also during the academic years 2013-2014, 2014-2015 and 2015-2016 to



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continue his studies. During the academic year 2016-2017, he approached the institution with his parents and requested to permit him to pursue his further studies from 5th semester, on assurance that he will discontinue his studies, if he was not given approval by the Director of Technical Education (DOTE).

4. I submit that accordingly on 18.06.2016 the then Principal of the 5 th respondent college submitted a transfer/application 4/8 <https://www.mhc.tn.gov.in/judis> WP(MD) No. 10483 of 2021 (ODD Semester) into B.E/B.Tech/Courses for the year 2016-2017 to the DOTE for 8 students including the petitioner. But the DOTE vide a communication dated 11.07.2016 in Letter No.21771/ECA1/2016 rejected our request for transfer cum readmission for the petitioner stating "Not Eligible (Maximum Period Over)". Thereafter on the request of the petitioner and his parents, the 5 th respondent institution vide its communication dated 22.07.2016 in SSCET/TRF/EXT/02 made a request to the Director, Academic Courses, Anna University for transfer cum readmission for 5th Semester and for extension of period to complete 7th & 8th Semester.



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5. I submit that pending consideration of the said application, the petitioner was able to get Hall Ticket fm the university authorities for writing examinations from 5 th Sermester to 8 semester. Since he was issued with a Hall Ticket by the university, the institution has no other choice except to allow the petitioner to write his Semester Examinations. Accordingly the petitioner wrote all the examinations from 5 th Semester to 8 th Semester. The 3 rd respondent also issued all the Semester mark statements of the 5/8 <https://www.mhc.tn.gov.in/judis> WP(MD) No. 10483 of 2021 petitioner from I to VIII except V Semester mark statement.

6. I submit that since the petitioner was not issued with the V Semester mark statement, his consolidated mark statement and provisional certificates were also not issued by the 3 rd respondent. Therefore the issuance of the certificates as required by the petitioner in the present writ petition is within the domain of the 1 st respondent. As the present writ petition is being filed by the petitioner by suppressing vital factual aspects and with unclean hands, the same is liable to be dismissed by this Honorable Court”.



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6. *It is clear from the stand taken by the fifth respondent that the earlier application submitted by the fifth respondent on 18.06.2016 was rejected by the Director of Technical Education, through communication, dated 11.07.2016, stating that the petitioner is not eligible on the ground that maximum period was over. Even thereafter the fifth respondent through communication, dated 22.07.2016, has once again made a request to the Director of Academic Courses, Anna University to approve the transfer cum readmission for the V Semester and for the extension of the period to complete the VII and VIII Semesters. The counter affidavit filed by the fifth respondent shows that there was no response with respect to this communication made by the fifth respondent.*

7. *It is clear from the materials placed before this Court that ultimately, it is the Director (Centre for Academic Courses), Anna University, who has to take a final call in this case. If ultimately, the Director approves the transfer cum readmission for the V Semester and also the extension of period to complete the VII and VIII Semesters, there will be no difficulty in directing the fifth respondent for issuance of the relevant*



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certificates to the petitioner for the V Semester. Without any decision taken by the concerned authorities, nothing can be done by the fifth respondent in this case. 8.In view of the same, the learned Standing Counsel appearing on behalf of the Anna University shall take instructions in this regard and report before this Court. 9.Post the matter under the caption 'for passing further orders' on 09.11.2023."

2. When the matter was taken up for hearing today, the learned Standing Counsel appearing on behalf of the Anna University placed before this Court the communication of the Anna University dated 18.11.2023. For Proper appreciation, the relevant portions in the said communication are extracted hereunder:

"In this connection, the petitioner had joined in the Adhi Parasakthi Engineering College, Mathur in the year 2010 and completed his 4th Semester in the said college. In his fifth semester, he had secured only 38% of attendance which is less than the required attendance of 75% as per the Regulations 2008 and hence he was prevented from writing his examinations and



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further he was not permitted to continue his study due to shortage of attendance. After a break of one year, he wanted to join another college viz., Sri Subramanya College of Engineering and Technology, Palani and with the consent of both the Principals of the colleges, he got the order for the transfer cum re-admission into both semester from the Director, Directorate of Technical Education, Chennai and joined the said college during the Academic Year 2013-2014 as per the Regulations 2008 of Anna University.

During the fifth semester, the petitioner was not regular to the college and at the end of the semester he had secured 38% of attendance. Hence, again he was prevented from continuing his fifth semester as he had not met the requirement as per Regulations 2008. Moreover, the college had uploaded the data under Proforma-V in the web portal of the office of the Controller of Examinations, which is meant for candidates discontinuing the programme. Hence, as per the records, the petitioner had discontinued his B.E. Programme.

Again in the academic year 2016-17, the petitioner approached the Principal of Sri Subramania College of Engineering and



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Technology and rejoined the programme, even though the candidate is under discontinuance list. The college addressed this to the Directorate of Technical Education and requested orders for readmission. The request of the Principal was rejected by the Director of Technical Education (vide Letter No.21771/ECA1/2016), dated 11.07.2016], as the candidate could be able to complete the programme beyond the maximum permissible for the B.E. Programme 2008. That is, the total number years allowed to complete the B.E Programme as per Regulation is 7 years (14 semesters). In this case the candidate was permitted to complete his programme in 8 years (16 semesters) which was a total violation of the Regulations. Moreover, the Principal had completely suppressed the fact that the petitioner student discontinued his programme in the fifth semester to the Directorate of Technical Education. Both the Principal and the petitioner had miserably failed to inform the rejection letter on the request for readmission communicated by the Directorate of Technical Education to the Controller of Examinations.

The Principal had written a letter to the Director, Centre for Academic Courses of Anna



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University, vide letter No.SSCET/TRF/EXT/02, dated 22.07.2016, stating the reason given by DOTE in not regulating the readmission of the petitioner by mentioning that the maximum period would be exceeded by one more year and hence he had requested the Director, Centre for Academic Courses of Anna University to consider his case sympathetically and requested him to give him an extension for two semesters to complete the course in 2017-18. Again another letter was sent, vide letter No. SSCET/TRF/EXT/03, dated 30.05.2017, requesting the Director, Centre for Academic Courses of Anna University to consider the petitioner's case sympathetically and grant extension to complete his course in the year 2017-18. As the request of the Principal in this case was beyond the scope of the Regulation, the Director, Centre for Academic Courses of Anna University had not communicated to the college.

The college had simultaneously furnished the details of internal assessment and the attendance performance for the fifth semester to the University through the web site provided to the college exclusively for this purpose devoid of getting any letter from the Director, Centre for



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Academic Courses. However based on the details furnished by the college every semester, the petitioner was permitted to continue his education. According to the regulations, he should have completed his study within the maximum period of 7 years (14 semesters) from the date of joining in the college. As he had joined in the college in the year 2010 he had to complete his study well before the stipulated time (i.e. before 2017) as prescribed in the Regulations but he had exhausted he maximum period of time allowed in the Regulations and completed his course only during 2018. Further notwithstanding he had exhausted the maximum period of time he was allowed to continue his education in the college as against the regulations of the University.

The office of the Controller of Examinations had released the results of the fifth semester of the petitioner on oversight and using this opportunity the Principal of the petitioners college had permitted the student to continue his study up to eighth semester without informing the status of his readmission order from the Directorate of Technical Education and the letters communicated



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to the Director, Centre for Academic Courses of Anna University. Later, it was found by the Office of the Controller of Examinations that the fifth semester grade sheet was not issued to the candidate and the other credentials to the petitioner because of the said reason.

The Principal and the petitioner colluded each other in hiding all facts to the office of the Controller of Examinations and the release of the results of fifth semester that had happened erroneously on oversight at any point of time and misused the entire system.

A counter affidavit had already been filed before the Honorable Court. Upon hearing the arguments on both sides the Honorable Court has issued the following orders and especially the Director, Centre for Academic Courses to take a final decision in this case and the case is posted on 09.11.2023.

It is clear from the materials placed before this Court that ultimately, it is the Director (Centre for Academic Courses, Anna University, who has to take a final call in this case. If



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ultimately, the Director approves the transfer cum readmission for the V semester and also the extension of period to complete the VII and VII Semesters, there will be no difficulty in directing the fifth respondent for issuance of the relevant certificates to the petitioner for the V Semester. Without any decision taken by the concerned authorities, nothing can be done by the fifth respondent in this case. In view of the same, the learned Standing Counsel appearing on behalf of the Anna University shall take instructions in this regard and report before this Court. Post the matter under the caption “For Passing Orders” on 09.11.2023.

In deference to the above orders of the Honorable Court the entire issue has been examined by the University in consultation with Director(Centre for Academic Courses) and the following decision is taken by the University.

Recently, special permission for readmission of the students of the University Department / Colleges affiliated to Anna University who have completed their maximum period upto April / May 2023 but not have completed a few semesters of UG (FT/PT) have



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been accorded in the notification dated 20.09.2023. The intention of this notification is to help the students who have completed their maximum period but not completed few sentences.

Applying the same spirit and analogy the case of Thiru B.Devendranath has also been considered as a special case on humanitarian grounds as he has completed his 8 semester but exceeded one year. Hence, the one year extension period is condoned and decided to issue the credentials of the students subject to the condition that this case will not be quoted as a precedent for any other case.”

3. It is clear from the above that the Controller of Examinations, Anna University, as a special case on humanitarian grounds has decided to condone one year extension period and issue the credentials to the petitioner. Recording this stand taken by the University, this Writ Petition is disposed of. It is made clear that this decision taken by the Anna University and this order passed in this Writ Petition cannot be taken as a precedent in any other case, since the Anna University has condoned one year extension period, as a special case considering the background of



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the petitioner. This exercise shall be completed by the third respondent within a period of four (4) weeks from the date of receipt of a copy of this order. No costs.

20.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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N.ANAND VENKATESH, J.

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