



W.P(MD)No.25947 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 16.11.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.25947 of 2023

and

W.M.P(MD)Nos.22302, 22303 & 22305 of 2023

Satheshwar

... Petitioner

Vs.

- 1.The State represented by
The Secretary, Department of Higher Education,
Fort St.George, Chennai District.
- 2.The Anna University,
Represented by its Registrar,
Guindy, Chennai – 25.
- 3.The Controller of Examination,
Anna University,
Guindy, Chennai – 25.
- 4.The University College of Engineering (BIT Campus),
Represented by its Principal,
Tiruchirapalli Campus,
Mandaiyur Salai, Suriyur Road,
Tiruchirapalli – 620 024.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent vide office Punishment Memo No. 20250/COE/C70/MP/2023 dated 11.10.2023 and quash the same as illegal and consequently allow the petitioner to continue his studies in the final year B.E. Authomobile Engineer at the 4th respondent's University Campus within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.R.Karunanithi

For Respondents : Mr.S.RA.Ramachandran
Additional Government Pleader
for R.1

Mr.J.Jhon Rajadurai
Standing Counsel for R.2 to R.4

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for the respondents 2 to 4.



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2.The writ petitioner joined the University College of Engineering, Tiruchirapalli to pursue his engineering course in the year 2021. He is presently pursuing his 7th semester. When the petitioner wrote Electronics and Micor Processor Laboratory examination in the 5th semester, he is said to have facilitated copying by a fellow student by showing his answer sheet. In this regard, enquiry was held on 05.07.2022 at the office of the Controller of Examination, Anna University, Chennai. The petitioner admitted his guilt. Hence, he was found guilty and the concerned examination paper was invalidated. When the petitioner wrote the 6th semester examination on 30.05.2023, he was found in possession of cell phone in the examination hall. This also constitutes malpractice. Hence the examinations of all the theory and practical subjects of the 6th semester as well as the arrears subjects stood invalidated. Further he was debarred from continuing his studies for one year i.e., for two subsequent semesters. Challenging the same, the present writ petition came to be filed.

3.When the matter was taken up for hearing, the learned counsel appearing for the petitioner on instructions submitted that he would be satisfied if this Court modifies the punishment by setting aside the



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punishment of debaring for one year alone. He also relied on the decision of the Hon'ble Division Bench of the Delhi High Court made in LPA No.66 of 2017 dated 02.07.2018 (Prabhat Kumar Singh vs Army College of Medical Science & Others).

4.The learned Standing Counsel appearing for the Anna University on the other hand submitted that there is absolutely no scope for interference in this case. He pointed out that as per the guidelines for awarding punishment for malpractices if a candidate had already committed malpractice, apart from invalidating the examinations of the subject / semester concerned, he or she would be debarred from continuing his or her studies for one year. He relied on the decision of the Hon'ble Apex Court reported in **(2009) 1 SCC 59 (Director (Studies), Dr.Ambedkar Institute of Hotel Management, Nutrition and Catering Technology, Chandigarh and others Vs Vaibhav Singh Chauhan)**. He submitted that when it comes to matters of discipline, the writ Court should leave the decision to the academic bodies and not show any misplaced sympathy or indulgence to the students concerned. He called upon this Court to dismiss the writ petition.



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5.I carefully considered the rival contentions and went through the materials on record.

6.The petitioner appears to be a fairly meritorious student. It is true that he had admitted his guilt when he was charged with malpractice last year. It is seen that the charge levelled against the petitioner was not that he copied but that he had facilitated the neighboring student to copy from his answer sheet by showing a diagram. Of course, this also constitutes malpractice. The learned counsel appearing for the petitioner would state that the petitioner had not committed any malpractice and that he pleaded guilty under compulsion.

7.The second malpractice committed by the petitioner was possession of mobile phone. Even according to the authorities, the mobile phone did not contain any incriminating material. Of course, possession of mobile phone by itself also constitutes a malpractice. But then a careful perusal of both the malpractices committed by the petitioner indicates that the petitioner did not gain advantage as such.

8.Therefore, in a case of this nature debarring the students for two semesters appears to be a little harsh. After noticing the decision reported in *(2009) 1 SCC 59 (Director (Studies), Dr.Ambedkar Institute*



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of Hotel Management, Nutrition and Catering Technology,

Chandigarh and others Vs Vaibhav Singh Chauhan), it was held in *Prabhat Kumar Singh* that under certain circumstances, the writ Court can interfere with a punishment imposed by the academic body. In this case, the petitioner had not employed any unfair means to gain advantage. He appears to be more a victim of circumstances. The stand of the petitioner is that without being aware, he had carried mobile phone into the hall. In these circumstances, if the petitioner is debarred for one year, it would seriously affect his future. It is for this reason, I feel constrained to interfere. The finding set out in the impugned order is not interfered with. The punishment of debarring for one year alone is set aside.

9.This writ petition is partly allowed to this extent alone. The petitioner, of course, will have to redo all the invalidated examinations. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
MGA



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Note: Issue order copy on 20.11.2023.

To

- 1.The Secretary, Department of Higher Education,
Fort St.George, Chennai District.
- 2.The Registrar, Anna University, Guindy, Chennai – 25.
- 3.The Controller of Examination, Anna University, Guindy,
Chennai – 25.
- 4.The Principal,
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