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W.P.No.2726 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.2726 of 2024
and
W.M.P.No.3002 of 2024

Aiswarya Gunasekharan

Vs.

... Petitioner

1. The Secretary to Government
School and Education Department,
Secretariat,
Chennai -600 009.
2. The Director of School and Education Department,
DPI Complex, College Road,
Chennai.
3. The District Education Office,
Coimbatore,
Coimbatore District.
4. The Indian Public School,
No.193, Sathy Road,
S.S.Kulam Post,
Coimbatore District.
5. The TIPS College of Arts and Science,
No.361/1A, Karuvalur Road,
MG Chettipalayam, S.S.Kumar (via),
Coimbatore – 641 107.



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6. The Bharathiar University,
Coimbatore,
Coimbatore District.

7. The Director of State Council of
Educational Research and Training DPI Campus,
College Road, Chennai – 600 006.
(R7- *Suo Motu impleaded as per order
dated 23.02.2024 in W.P.No.2726 of 2024*)

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
praying for issuance of Mandamus directing the respondents 5 and 6 to permit
the petitioner to continue her studies in BBA and directing the 3rd respondent
to issue equivalent certificate to the petitioner.

For Petitioner : Mr.K.Prabhakaran

For Respondents : Mrs.E.Ranganayagi, AGP for RR1 to 3 & 7
Mr.K.J.Parthasarathy for R6
Mr.C.P.Prasanth Gopal for R4 & 5

ORDER

The petitioner has filed this petition seeking to direct the respondents 5
and 6 to permit the petitioner to continue her studies in BBA and to
consequently direct the third respondent to issue equivalent certificate to the
petitioner.

2. It is the case of the petitioner that the petitioner has completed her
higher secondary +2 and joined the course of International Baccalaureate



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Diploma Program (in short 'IBDP') in the fourth respondent college. The petitioner completed such course by securing 20 credits in IBDP course. On the basis of the credits secured in the said program, the petitioner obtained the school leaving certificate on 11.03.2022 from the fourth respondent College. Subsequently, the petitioner got admitted in the fifth respondent school to pursue the course of Bachelor of Business Administration (in short 'BBA course') during the academic year 2022. The petitioner paid the fee for the first semester to the tune of Rs.1,20,000/- and she has also attended the examination during January 2023. The petitioner also paid the second semester fee and she was also permitted to attend the examination during April 2023. According to the petitioner, the respondents 4 and 5 are administered by the same management. At the time of her admission, they have assured that they will get the equivalence certificate from the concerned authorities. Accordingly, one year after the admission of the petitioner, on 03.03.2023, the fifth respondent forwarded the application along with the documents to the sixth respondent and requested to issue an equivalence certificate, in response the fifth respondent sent an e-mail to the petitioner stating that *“Unfortunately, your June 2023 BU results are currently being withheld as we have not received the complete procedure of Submission of*



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original documents. However, we cannot stress enough how crucial it is to resolve this matter promptly. Failure to address this issue could lead to the cancellation of your admission, and we genuinely do not want that to happen. Please note that the university cannot release your results until this matter is resolved. So we urge you to prioritize this issue and ensure a swift response.”

3. The petitioner did not challenge the said communication dated 25.07.2023, but has come forward with the present writ petition seeking for issuance of a writ of mandamus to direct the respondents 5 and 6 to permit her to continue her studies in BBA course and to further direct the third respondent to issue the equivalence certificate.

4. When this writ petition was taken up for hearing on 23.02.2024, this Court *suo motu* impleaded the seventh respondent for effective adjudication of this writ petition.

5. The learned counsel for the petitioner submits that even at the time of admission, the respondents 5 and 6, assured the petitioner that an equivalence certificate will be obtained from the sixth respondent and on the basis of the



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said assurance, the petitioner pursued the course and she has also completed two semesters by paying requisite fees. The petitioner was having legitimate expectation to continue the course till the award of BBA degree in her favour. The email dated 25.07.2023 was issued to the petitioner stating that her credential relating to the minimum required score points are below the requisite standard and therefore her admission itself is improper.

6. According to the learned counsel for the petitioner, there is no fault attributable on the part of the petitioner and she has submitted all the documents required for her admission to the course. The respondents 4 and 5 are governed by the same management and they have assured to get the equivalence certificate while so, after completing one year course refusing to permit her to continue the course is illegal, arbitrary and unreasonable. Therefore, the learned counsel for the petitioner seeks to issue appropriate direction to the respondents to permit her to continue the BBA Course.

7. On the above contention, this Court heard the respective learned counsel appearing on either side and perused the materials placed on record.



8. It is no doubt true that at the time of admission, the petitioner have produced all the documents that are required for her admission. The respondents 4 and 5 have un-necessarily admitted the petitioner and also forwarded the documents produced by her atleast one year after her admission. Without getting the equivalence certificate from the competent authority, the admission of the petitioner by the respondents 4 and 5 is unjustifiable. The petitioner cannot be found fault with, when she has genuinely produced all the documents and the respondents 4 and 5 would have avoided admitting the petitioner in the course. In such view of the matter, this Court is of the view that the mandamus as sought for by the petitioner cannot be issued taking note of the fact that the credit score of 24 points has not been secured by the petitioner and she has only secured 20 points.

9. In such circumstances, the equivalence certificate as required by the petitioner cannot be issued. Therefore, the relief prayed for in this writ petition cannot be granted. However, since the petitioner was unceremoniously admitted by the respondents 4 and 5 in BBA Course even before obtaining the necessary equivalence certificate, the respondents 4 and



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5 are directed to refund the entire fee paid by the petitioner which would meet the ends of justice.

10. Subject to the above observation, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No

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M.DHANDAPANI,J.

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