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W.P. Nos.14392 and 23176 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2024

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. Nos.14392 and 23176 of 2024

and

W.M.P. Nos.15635 and 15659 of 2024

Cherraan's College of Pharmacy,
Rep. by its Authorised Signatory,
K. Anand

... Petitioner in W.P.
No.14392 of 2024

R. Gowthamrajasekar

... Petitioner in W.P.
No.23176 of 2024

Versus

1. Permanent Lok Adalat,
Rep. by its Chairman / District Judge,
Coimbatore – 18.

2. The Tamil Nadu Dr.M.G.R. Medical University,
Rep. by its Registrar,
No.69, Anna Salai,
Guindy,
Chennai – 600 032.

3. M.G. Rajasekar

4. Gautham Rajasekar

... Respondents in
W.P. No.14392 of 2024

1. The Tamil Nadu Dr.M.G.R. Medical University,
Rep. by its Registrar,
No.69, Anna Salai,
Guindy,
Chennai – 600 032.



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2. Cherraan's College of Pharmacy,
Rep. By its Authorised Signatory,
K. Anand,
Siruvani Main Road,
Perur,
Selvapuram,
Coimbatore – 641 008.

3. The Principal Cherraan's College of Pharmacy,
Siruvani Main Road,
Perur,
Selvapuram,
Coimbatore – 641 008.

... Respondents in
W.P. No.23176 of 2024

Prayer in W.P. No.14392 of 2024 Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari to call for records pertaining to impugned order dated 15.05.2024 passed by the 2nd respondent in Lr. No.EX. VI(3)/05922/2024 to quash the same as arbitrary, unreasonable and devoid of reasons.

Prayer in W.P. No.23176 of 2024 Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the 1st respondent to publish the result of 7th and 8th semester examination of B-pharm (Lateral Entry) bearing registration No.5622205100059 further directing the respondents 2 and 3 to issue a course completion certificate, transfer certificate, mark sheets and all other original certificates obtained at the time of admission consequently directing the 1st respondent to arrange the alternate centre to complete the 7th semester subjects 562072 Instrumental methods of analysis (P), 562076 practice school (NUE) and



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one subject in 8th semester 562077 bio statistics and research methodology (T), within a stipulated period of time.

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In W.P. No.14392 of 2024

For Petitioner	:	Mr.Nithyaesh R. Natraj
For Respondents	:	Mr.Saisuryan Jayi for R1 Mr. Mohd. Ghouse for R2 Mr.R. Ezhilarasan for RR3 & 4

In W.P. No.23176 of 2024

For Petitioner	:	Mr.R.Ezhilarasan
For Respondents	:	Mr.Mohd. Ghouse for R1 Mr.Nithyesh R. Natraj for R2 & R3

COMMON ORDER

The petitioner in W.P. No.23176 of 2024 is a student and the petitioner in W.P. No.14392 of 2024 is a private College / Institution, where the aforesaid student studied B.Pharm Degree course. Since the issue involved in both these writ petitions are related to one another, they are disposed of by a common order. For the sake of convenience, in the subsequent paragraphs, the petitioner is referred as student and the respondent is referred as Institution.

2. The brief facts leading to filing of these writ petitions are as follows :-



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The petitioner / student submits that he completed D.Pharm in the month of February 2022. Thereafter the petitioner pursued B.Pharm (Lateral Entry) in the respondent College / Institution. While so, the petitioner / student was suspended from the respondent College / Institution, due to misbehaviour of the petitioner / student i.e., participation in mass agitation programme. As a result of suspension order issued to the petitioner / student, he was not permitted to write the VII Semester examination. It is further stated that pursuant to the interim directions issued by the respondent / Permanent Lok Adalat, Coimbatore, dated 29.04.2024 (1st impugned order in W.P. No.14392 of 2024) and as per the Communication issued by the respondent / University, vide letter dated 15.05.2024 (2nd impugned order in W.P. No.14392 of 2024), the hall ticket for the respective semester examinations was issued to the petitioner / student by the respondent / University. Based on further directions, the suspension order of the petitioner / student was revoked and subsequently the petitioner / student was permitted to write VII and VIII Semester examinations in the alternative centre. It is the grievance of the petitioner / student that though he was permitted to write VII and VIII semesters examination, the results of the said examination are yet to be published and other certificates were not issued / returned to him. Hence, W.P. No.23176



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of 2024 has been filed by the petitioner / student seeking for issuance of appropriate directions in the above regard as well as for return of certificates viz., course completion certificate, transfer certificate, mark sheets and all other original certificates obtained at the time of admission. On the other hand, challenging the aforesaid impugned orders, W.P. No.14392 of 2024 has been filed by the College. In a nut shell, the results of the student was not published by the College / Institution and the reasons for withholding are stated as misbehaviour of the student and lack of attendance.

3. Mr.Nithyaesh R. Natraj, learned counsel for the petitioner in W.P. No.14392 of 2024 / College, firstly argued that the 1st respondent have failed to take note of the fact that as per the University norms and UGC guidelines, the petitioner / student did not have requisite attendance to appear for VII and VIII Semester examinations. Secondly, he contended that the alleged dispute raised in P.L.A. No.17 of 2024 does not fall under the definition of public utility service and thus, without jurisdiction, the impugned order, dated 29.04.2024 was passed by the 1st respondent and thus interim directions were issued is non-est in the eyes of law. The next point he focussed is that without assigning any reasonings, the impugned



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order, dated 15.05.2024 was passed by the 2nd respondent and the issue of lack of attendance was not considered, while issuing such a communication as the Pharmacy Council of India, mandates 80% attendance for a student to appear for semester examinations. He mainly contended that the petitioner's / student father gave complaint before the Lok Adalat Court with regard to the suspension order issued to the student and based on the said complaint, the 1st respondent has issued interim directions, vide impugned order, dated 29.04.2024, that too without any quorum. On the aforesaid score, the impugned order passed by the 1st and 2nd respondent are bad in law and illegal and thus, the same deserves to be set aside. He further submitted the issue in entirety was concealed by the student and has approached this Court with unclean hands by way of filing W.P. No.23176 of 2024. Hence, he prays for quashment of the impugned order passed by the 1st and 2nd respondent and for issuance of appropriate directions to the 4th respondent in W.P. No.14392 of 2024 / student.

4. Mr.R.Ezhilarasan, learned counsel appearing for the petitioner in W.P. No.23176 of 2024 / student submitted that based on the permission accorded by the University, the petitioner herein / student, wrote VII and VIII semester examination in an alternative centre and now the course was



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completed by the student, but the results of the said examination were not published by the 2nd respondent in W.P. No.23176 of 2024 / College.

Hence, he prays for issuance of appropriate directions with regard to publication of results as well as issue / return of certificates to the petitioner / student. He further submitted that arrears of VII and VIII Semester examinations, if any have to be cleared by the petitioner /student and hence, he prays for issuance of directions in that regard also.

5. Heard the learned counsel on either side and perused the materials placed on record before this Court.

6. From the aforesaid submissions, it is clear that the petitioner / student was suspended from the respondent / College and subsequently pursuant to interim directions passed by the 1st respondent as well as vide Communication of the 2nd respondent, which are impugned herein, the said suspension was revoked. On a perusal of the order, dated 29.04.2024 passed by the respondent / Chairman, Permanent Lok Adalat, Coimbatore, it reveals that there was insufficient quorum. It is noted that the dispute would not come under the purview of public utility service and thus the definition under Section 22 B of the Legal Service Authorities Act, 1987



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would not get attracted. Thus, this Court finds that the orders impugned herein are legally sustainable.

7. Be that as it may. It can be seen that due to lack of attendance for the student and the complaint lodged by the student's father are staring on the face of the College for publishing the examination results of the petitioner / student. Anyway there are lackness on the part of the petitioner / student. However, it could be seen that the petitioner /student was permitted to write VII and VIII semester examination. Now, the student had written the examination in another centre, which was prescribed by the University and completed the course duration. When that be so, if the complaint before the Permanent Lokadalat Court, Coimbatore, is withdrawn by the petitioner / student, the entire issue would come to an end. On such withdrawal, ultimately, the results would be published by the respondent / College. When this Court expressed the above view, learned counsel on both sides (student and College), on instructions, accepted the same.

8. In view of the fair consent expressed by learned counsel on both sides, this Court is inclined to issue following directions :-



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a) The petitioner in W.P. No.23176 of 2024 / student shall withdraw the complaint before the Chairman, Permanent Lokadalat Court, Coimbatore i.e., P.L.A. No.17 of 2024, within a period of one week from the date of receipt of a copy of this order.

b) On such withdrawal, the respondent in W.P. No.23176 of 2024 / College shall the publish the results of the petitioner / student in VII and VIII semesters.

c) After publication of results, the respondent / University is directed to permit the petitioner / student to appear for the arrears examination, if any, in different centre, authorised by the University.

d) Also there is a direction to the respondent in W.P. No.23176 of 2024 / College to issue course completion certificate, transfer certificate, mark sheets and return all other original certificates pertaining to the petitioner / student to enable him to pursue further studies.

9. With the above directions, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

24.09.2024

Index : Yes / No
vsi2

M.DHANDAPANI, J.



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vsi2

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To

1. The Chairman / District Judge,
Permanent Lok Adalat,
Coimbatore – 18.

2. The Registrar,
Tamil Nadu Dr.M.G.R. Medical University,
Rep. by its Registrar,
No.69, Anna Salai,
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These matters are listed today under the caption "for being mentioned".

2. Heard both sides.

3. Considering the submissions made by both sides, the sentence in paragraph No.(6) of the order dated 24.09.2024 passed in W.P.Nos.14392 and 23176 of 2024 by this Court, namely, "thus, this Court finds that the orders impugned herein are legally sustainable" shall be replaced with "thus, this Court finds that the orders impugned herein are legally unsustainable to the extent indicated below".



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4. Registry is directed to carry out necessary correction in the order and issue fresh order copy.

28.10.2024

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