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W.P.No.19748 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Reserved On : 28.03.2024**

**Pronounced On : 26.04.2024**

**CORAM :**

**THE HONOURABLE DR. JUSTICE ANITA SUMANTH**

**WP.No.19748 of 2022**  
**and W.M.P.No.19059 of 2022**

V.Priyadharshini

... Petitioner

VS

1.The Pondicherry University  
Rep. By its Registrar,  
Kalapet, Pondicherry – 605 014.

2.Assistant Registrar  
Research Section,  
Pondicherry University,  
Kalapet, Pondicherry – 605 014.

3.Dr.P.Tirupathi Rao  
Dean, Ramanujan School of Mathematics & Statistics,  
Pondicherry University, Kalapet,  
Pondicherry – 605 014.

4.Dr.Kirthika  
Head, Department of Statistics,  
Pondicherry University, Kalapet,  
Pondicherry – 605 014.

5.Dr.Vishnu Vardhan  
Assistant Professor,  
Department of Statistics,  
Pondicherry University,  
Kalapet, Pondicherry – 605 014.

... Respondents



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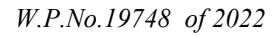
**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to direct 2<sup>nd</sup> respondent to call for the records pertaining to the Impugned Order in Memorandum in PU/CE/PHD/2020-21/1500 dated 19/02/2021 and quash the same and consequentially direct the 1<sup>st</sup> respondent without any intervention of the respondents no.3 to 5 to constitute an independent and appropriate committee in adherence with the Act, Rules, Ordinances and Principles of Natural Justice governing the Ph.D Scholars of the Pondicherry University for the purposes of enquiring and adjudicating into the sequence of the prejudicial acts and illegal interferences of the respondents no.3 to 5 in the conduct of Pre – Ph.D Part I Research Methodology Examination for Ms.Priyadarshini the petitioner herein on 25/01/2021 and to pass such other orders as are necessary to meet the ends of justice facilitating the petitioner's continuation as a Ph.D Scholar.

For Petitioner : Ms.V.Priyadharshini  
Petitioner-in-person

For Respondents : Mr.M.Ravi

### **ORDER**

The petitioner has challenged an order passed by the Assistant Registrar, Pondicherry University / R2 dated 19.02.2021 wherein her Ph.D registration in Statistics was cancelled as per the Pondicherry University Ph.D regulations. The cancellation was on the ground that she had not qualified in the pre-Ph.D Part I Exam in the special and last chance given by the university authorities.



4. The petitioner has made several allegations between paragraphs 5 to 13 in writ affidavit in regard to improper and illegal acts of the HOD of the Statistics Department and the Respondents have unilaterally denied all the



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allegations. Being disputed facts, this Court is not inclined to look into the same in a writ petition.

5. Suffice it to state that the pre-Ph.D Examination had been conducted by the University and the petitioner had been unsuccessful in two attempts. The petitioner had been absent on another date when yet one more attempt had been scheduled. She had then appealed for a final opportunity before the Vice-Chancellor and had been granted such opportunity on 25.01.2021. Again between paragraphs 14 to 36, the writ affidavit contains several factual allegations of malpractice, unfairness and illegality in the conduct of the examinations.

6. A detailed counter has been filed by respondents setting forth their version of the events. They would argue that, in fact, the University has been more than liberal and cooperative and that the petitioner was permitted to write the fourth attempt for the pre-Ph.D Examination on 25.01.2021, which is itself a concession.

7. She had been, according to them, unsuccessful in the first three attempts and per normal practice, no further attempts would be contemplated under the Regulations. It is only as a special gesture that the petitioner had been permitted to write the examination again on 25.01.2021.



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8. Since there was no clarity on the specific grievance of the petitioner,

she was asked to specifically and clearly outline specifically her allegation.

Order-sheet dated 20.11.2023 recorded after hearing the parties on that day,

reads thus:-

*“The petitioner has made three regular and one special attempts for Ph.D examination in Puducherry University. On the first occasion, admittedly the petitioner was absent. She failed on second and third attempts. She was given a special chance in writing the fourth attempt, which has not been provided for under the Regulations.*

*2. The respondent would allege that she has committed certain malpractices in the fourth attempt and the petitioner, who appears in person, denies that. The respondent will produce records as well as obtain particulars in regard to what the alleged malpractices are.*

*3. For her part, petitioner draws comparison between pages 126 and 130 of the typed-set accompanying her rejoinder. She states that she was given two question papers i.e., one at 11.00 a.m and another at 12 noon and thus the examination was itself improperly conducted. She has drawn attention to question no.8 in the first paper (page 126), which is question no.10 in the second paper (page 130), to buttress her submission.*

*4. Relevant records be produced by the respondent.*

*5. Petitioner states that she has got soft copies of both question papers, which shall be e-mailed to the respondent counsel.*

*6. List this matter, to enable both parties to prepare and present their case, on 14.12.2023.”*

9. After few adjournments, a detailed compilation dated 27.03.2024 has

been filed by the respondents. It is true that two question papers were given for



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the pre-Ph.D Examination. The explanation put forth is that it was the petitioner who raised an objection in regard to the first question paper. She had complained that there not enough choice provided from out of which she was to select five questions. Thus she was given the second question paper containing thirteen questions from which she was to answer five.

10. The University is required to follow proper procedure in the conduct of examinations and the Court is surprised as to how a question paper, once circulated, was withdrawn to be replaced by a second question paper for the same exam. However, there does not appear to be any dispute on the position that the second question paper was circulated only at the instance of the petitioner.

11. In the course of that examination, respondents allege that the petitioner had engaged in exam malpractices and had used her personal laptop to search for the answers on the internet. The Invigilator had caught her in the act. Photographs of the laptop screenshots containing the answers were also taken by the invigilator.

12. The petitioner, has, in fact, written a letter, post the examination referring to the special chance given by the Vice Chancellor, and admitting that she had browsed the internet seeking answers. She however justifies her misconduct stating that the others in the hall had also done the same.



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13. Thus while the procedure followed in the conduct of the examination is certainly irregular and incorrect, in light of the circumstances of this case as seen from the narration supra, this issue is best left to rest. In fact this would be in the interests of both the parties.

14. The Court had attempted an amicable reconciliation of the matter but the respondents stood firm in their defence of the impugned order. They would point out that not only has the petitioner exceeded the the number of attempts under the Regulations, she had been afforded a special chance over and beyond what has been provided for. In that special chance, she was found to have committed irregularities, admitted by her in her letter, though before me, the petitioner makes a turnaround and attempts to deny the same.

15. Having heard all learned counsel and upon a detailed consideration of the matter, this Court does not find any cause to intervene. Shorn of the facts involved, albeit seriously disputed by both parties, what is apparent and admitted is the fact that the petitioner has admittedly exhausted the maximum number of attempts provided for under the Regulations for pre-Ph.D Examinations.

16. She was absent for one attempt and unsuccessful on two other attempts. She was given a special chance as a fourth attempt and as a special gesture by respondents. The malpractice on her part had occurred in the fourth



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attempt. This fact would itself suffice to dismiss, and justify a dismissal of the writ petition.

17. For the reasons that the petitioner has (i) exhausted the maximum number of attempt provided for under the Regulations (ii) been granted a fourth opportunity as a special case (iii) admitted to malpractice in the last attempt conducted on 25.01.2021, this Court finds no justification for the present prayer. There is no infirmity in the impugned order and this writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

**26.04.2024**

Index : Yes

Neutral citation: Yes

ssm

To

1.The Registrar,  
Pondicherry University  
Kalapet, Pondicherry – 605 014.

2.The Assistant Registrar  
Research Section,  
Pondicherry University,  
Kalapet, Pondicherry – 605 014.



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**DR.ANITA SUMANTH,J.**

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