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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 01.08.2024

PRONOUNCED ON: 30.10.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.22453, 20810, 20811, 20815, 20820, 20823, 20827, 20832, 20837,
20843, 20943, 20947, 20952, 20964, 22460, 22462, 22465, 22467, 22469, 22470,
22471, 22473, 22475, 22476, 22477, 22478, 22479, 22496, 22491, 22481, 22484,
22485, 22486, 22488, 22489, 22493 & 22480 of 2023

and

WMP.Nos.20186, 20187, 20189, 20190, 20193, 20194, 20197, 20200, 20202,
20203, 20206, 20208, 20210, 20211, 20216, 20217, 20313, 20314, 20319, 20321,
20329, 20332, 20342, 20343, 21852, 21856, 21863, 21864, 21866, 21868, 21872,
21873, 21875, 21876, 21877, 21878, 21880, 21882, 21883, 21884, 21885, 21886,
21889, 21890, 21892, 21893, 21894, 21895, 21896, 21897, 21898, 21899, 21900,
21901, 21902, 21903, 21904, 21905, 21908, 21910, 21911, 21912, 21913, 21914,
21917, 21918, 21920, 21921, 21922, 21925, 21926, 21927, 21928, 21930, 21932,
20184 & 20185 of 2023

W.P.No.22453 of 2023:

V.Sadhana

... Petitioner

Vs.

1. The Vice Chancellor,
Tamil Nadu Dr.J.Jayalalitha Fisheries University,
Nagapattinam – 611 001.
2. The Registrar,
Tamil Nadu Dr.J.Jayalalitha Fisheries University,
Nagapattinam – 611 001.
3. The Controller of Examinations,
Tamil Nadu Dr.J.Jayalalitha Fisheries University,



Nagapattinam – 611 001.

4. The Dean,
Fisheries College and Research Institute,
Thoothukudi – 628 008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorified Mandamus calling for the records on the files of the 4th respondent bearing Proceedings No.3812/Edn/Rustiction/ FC&RI/ 2023 dated 23.06.2023, and to quash the same, and consequently, direct respondents 2 to 4 to issue the Hall Ticket to the petitioner, thereby allowing the petitioner to sit for the second semester examinations due to be conducted in December 2023 or subsequently, as stipulated by the University, and to consequently allow the petitioner to continue the B.F.Sc. Course (2022-2026) without any interruption.

In all W.Ps.

For Petitioner

: Mr.R.Viduthalai
Senior Counsel
for Ms.R.Revathy

For Respondents

: Mr.V.Vijay Shankar

COMMON ORDER

This is a batch of 37 Writ Petitions. The petitioners are pursuing the Bachelor of Fisheries Science (B.F.Sc) course in the Tamil Nadu Dr.J.Jayalalitha Fisheries University/R1 to R3, being Vice Chancellor, Registrar and Controller of Examinations of the Tamil Nadu Dr.J.Jayalalitha Fisheries University (in



common referred to hereunder as 'University'). They belong to different academic years as tabulated below:

2020 – 2021 Batch:

Sl.No.	Name	Writ Petition No
1.	Gajendran S	WP 20820 / 2023
2.	Nandhana G.S	WP 20811 / 2023

2021 – 2022 Batch :

Sl.No.	Name	Writ Petition No
1.	PriyaShruthi.S	WP 20823/2023
2.	Thiranap.D	WP 20832/2023
3.	Rajeswari C	WP 20810/2023
4.	SahayaRashmi.D	WP 20837/2023
5.	Sarabes N.J	WP 20964/2023
6.	Harini.S	WP 20843/2023
7.	Sivabala.S	WP 20827/2023
8.	Gayathri R.M.	WP 22462/2023
9.	MariyaTriffi.P	WP 20952/2023
10.	Atchaya V	WP 20815/2023
11.	Moobika.M	WP 20947/2023
12.	HepzibahBlesslene.R	WP 22481/2023
13.	Sujitharasri.S	WP 20943/2023

2022 – 2023 Batch :

Sl.No.	Name	Writ Petition No
1.	Sadhana.V	WP 22453 /2023
2.	Anuja.R.P	WP 22469/2023
3.	SaroHaeny A	WP 22473/2023
4.	Sharon Gold.D	WP 22484/2023
5.	Karthiga.C	WP 22460/2023
6.	Ajay.M.J	WP 22465/2023
7.	ThasnevisAster.A	WP 22471/2023
8.	Shanmugasundaram.S	WP 22475/2023
9.	Santhiya.S.R.P.	WP 22477/2023
10.	RajaSaravanakumar.J	WP 22479/2023
11.	MariyaDharshiga.G	WP 22467/2023



12.	Sunsika.K	WP 22470/2023
13.	Sachin D S	WP 22476/2023
14.	Francis Fabio B	WP 22485/2023
15.	PriyaDharshini S	WP 22489/2023
16.	BejoeParwin.R	WP 22491/2023
17.	Abarna.M	WP 22478/2023
18.	Infant.P	WP 22480/2023
19.	Arutsudar.P	WP 22486/2023
20.	MithunMirsa A V	WP 22488/2023
21.	Parthiba S	WP 22493/2023
22.	Dharanitharan.D	WP 22496/2023

2. The petitioners have challenged proceedings of R4 to R6, being Deans of Fisheries College and Research Institute, Thoothukudi/R4, Dr.MGR Fisheries College and Research Institute, Thalainayeru/R5 and Dr.MGR Fisheries College and Research Institute, Ponneri/R6 (in common referred to as ‘college’).

3. The impugned proceedings allege that, on verification of the documents submitted by the petitioners for application to the course, two discrepancies were found. The first was that the marks secured by the petitioners in the entrance examination was lower than the cut-off fixed by the University and therefore, the admission secured by the petitioners was itself incorrect. The second related to the allegation that the writ petitioners did not attend the counselling or pay the counselling fees.

4. Based on the aforesaid discrepancies, the petitioners have been rusticated invoking clause 4.2(a) of Chapter IV of the Students Conduct, Control and Discipline Rules of the University. The petitioners have been extended an



opportunity of appeal against the impugned order, and of producing supporting documents, i) being proof of eligibility of cut-off mark for admission to B.F.Sc. course, ii) proof of having attended on line counselling, iii) proof for having paid the counselling fee iv) proof for downloading admission card from the admission portal and any other supporting documents.

5. The following are the submissions made by Mr.Viduthalai, learned Senior Advocate. All petitioners had applied online for the B.F.Sc., course, enclosing necessary certificates and particulars. The processing of the application was done by a third party service provider viz., G.V.S.Soft Solutions (service provider). The service provider was required to ensure that all particulars had been supplied by the candidates.

6. The service provider was also to ensure that the candidates had secured the marks as per the cut-off fixed by the University and thereafter, transmit the eligible applications to the University. The students who were found eligible were to be called for online counselling and asked to pay the counselling fee. The payment was to be made through the payment gateway (Bill-desk) and those who had remitted the counselling fee were called to participate in the counselling process.

7. According to learned Counsel, for the academic year 2020-21, 116 students had paid online counselling fee of Rs.500/Rs.1000, as the case may be.



The list did not reveal the names of petitioners - S.Gajendran and G.S.Nandana.

For the year 2021-22, a total of 188 students paid the counselling fee and the names of 13 petitioners did not figure in that list.

8. Likewise, for academic year 2022-23, 173 students paid the counselling fee and 22 writ petitioners, who had secured admission for this academic year did not figure in that list.

9. By way of a compilation dated 29.07.2024, receipts of counselling fee in the cases of V.Atchaya, S.Sujitharasri, S.Priya Dharshini, R.Hepzibah Blesslene and A.Raja Saravanakumar (petitioners in WP.Nos.20815, 20823, 20943, 22489, 22481 and 22479 of 2023 respectively) have been placed on file by the petitioners. There is a bank statement filed in the case of S.Priya Shruthi that reveals a transaction of a sum of Rs.1,013.50/-. Being an odd amount, it is unclear as to what this transaction relates to.

10. However, in the additional affidavit filed by the respondents on 26.07.2024, they state that counselling fee had not been paid by V.Atchaya, Hepzibah Blesslene, S.PriyaDharshini and J.Rajasaravanakumar. Hence, there is clearly a dispute on facts in regard to this aspect of the matter.

11. Petitioners would also submit that the cut-off marks in respect of various categories such as OC, BC, MBC and SC were never put up on the website. Firstly, this constitutes a violation of the Rules of the University, which



mandate the cut-off to be displayed in public domain. Furthermore, since the cut-off was never disclosed, the petitioners cannot be made to suffer rustication for a violation committed by the respondents by not adhering to the rules.

12. In affidavit dated 29.07.2024, G.S.Nandhana (petitioner in WP.No.20811 of 2023) on her behalf, as well as on behalf of all the petitioners, has stated that counselling fee has been remitted by all the petitioners, but proof is available only in respect of seven students. She would further submit that even assuming that there was an error in the admissions for the reason that the petitioners had not secured the necessary marks, such error ought to have been identified and rectified promptly and not well into the course itself, in her case and in the case of S.Gajendran (petitioner in W.P.No.20820 of 2023), three years after the date of admission.

13. The petitioners rely on the following judgments to state that there are precedents to the effect that where the admission process followed by the academic institution is not transparent or is vitiated for some reason, the candidates/students should not be made to suffer:

- *Monika Ranka V. Medical Council of India &Ors.*¹
- *Deepa Thomas &Ors. V. Medical Council of India &Ors.*²
- *Rajendra Prasad Mathur V. Karnataka University &Anr.*³

1 (2010) 10 SCC 233

2(2012) 3 SCC 430

31986 AIR 1448



- *SanatanGauda V. Berhampur University and Others*⁴

14. Mr.Vijay Shankar, learned counsel for the respondents has filed a counter in common to all Writ Petitions. The main thrust of his submissions is that the petitioners are ineligible to have been admitted as they did not secure the minimum cut-off marks. However, they had, in collusion with the University staff, manipulated the admission process and engineered the issuance of admit cards. Hence, there was no error in the rustication order.

15. The admission process was handled by a Committee headed by the Controller of Examinations. The process for admission commenced with an online application by the candidates enclosing necessary certificates/particulars. The service provider was required to verify the marks contained in the application form, with the database of the Board of Higher Secondary Examinations and ensure their correctness.

16. In the meanwhile, the cut-off marks would have been issued by the University/Controller of Examination. The service provider is thereafter to enable a system generated rank list based on the cut-off marks in the subjects of Physics, Chemistry and Biology. Since the University follows communal reservation policy, a unified rank list is to be issued containing first, the overall rank list followed by the community wise rank list. The next step is to fill the seats for which counselling was conducted online.

⁴(1990) 3 SCC 23



17. The ratio of 1:3 was adopted meaning thereby that for every one seat, three candidates would be called for online counselling. The short listed students are asked to pay the counselling fee and were assigned a unique application number and login I.D. The students who are called for counselling were intimated by SMS and email sent to their registered email I.D.

18. The counter accedes to malpractices having been committed during the admission process, and in this regard the University identifies a staff member by name G.Immanuel, Typist, who was the kingpin of the malpractice. According to the respondents, it is routine that high-scoring candidates would have opted for other professional courses even prior to the conduct of counselling by the University. Hence, there would be several instances of those students not appearing for the online counselling.

19. The delinquent staff had thus illegally generated admission cards in favour of several ineligible students in collusion with the students/their parents, in respect of those seats that had been left vacant by the high scoring candidates who did not attend the counselling. Based on the admit cards that were illegally generated, the Writ Petitioners have paid the fees and secured admission.

20. The malpractice was conducted throughout the admission process in the first, second and third rounds. In sum and substance, the modus operandi has been to replace the meritorious candidates who have achieved the cut-off and



who had not opted for/appeared for counselling with another student who was far below on the merit list/rank list by illegally generating an admit card in his/her name. On the basis of this illegal admission process, an admission list was generated and the students were assigned to the Thoothukudi, Ponneri and Nagapattinam colleges.

21. In addition, the marks secured by some of the Writ Petitioners have been interpolated with a higher mark thus placing them higher on the merit list than what they deserve. Hence, all 37 petitioners have secured admission to a course to which they are not entitled as none of them had i) achieved the cut-off mark ii) received calls for counselling as their marks were below the threshold and had not remitted the counselling fees and iii) been called for counselling and had not participated in the counselling process, but had been issued admit cards.

22. The respondents point out that there is a unique login ID and application number assigned for each candidate. Out of 37 candidates, 34 had produced no proof that they had been called for counselling, and 31 had produced no proof of having paid the counselling fee. The records do not indicate any login ID and application number having been assigned to them. Barring 8 petitioners, none have substantiated the payment of counselling fee for which they were given more than sufficient opportunity. Even in those 8 cases, the receipts do not contain signatures of the University officials.



23. Despite the aforesaid irregularities, all 37 of them have secured admission to a course to which they could lay no claim on merit. The sordid sequence of events came to light when an anonymous petition was received by the University in May, 2023. It was only then that the University constituted a High Powered Committee to investigate the matter, and the enquiry conducted revealed the illegalities in the admission process.

24. Typist G.Immanuel and Controller of Examinations Dr.P.Jawahar were pinpointed. The malpractices were masterminded by the Typist in the office of the Controller of Examinations. The Controller was himself responsible, and to blame, being the head of the unit. The respondents state that both the aforesaid individuals are under suspension and departmental enquiry is on-going. Criminal complaint has also been lodged with the CBCID, where also investigation is underway.

25. Out of the 37 petitioners, 2 were admitted during academic year 2020-21, having completed 6 semesters as on date of this order, 13 were admitted during academic year 2021-22, having completed 4 semesters as on date of this order and 22 were admitted during academic year 2022-23, having completed 2 semesters at the time of passing of this order.



26. Based on the irregularities discerned, all 37 were rusticated. The basis on which the respondents justify the rustication per paragraph 15 of the counter, is as follows:

- a) That all the petitioners herein have gained admission using unfair and fraudulent means.
- b) That their actual cut-off marks does not rightfully entitle them to secure admission.
- c) That they have played fraud with the connivance of the University staff and by wrongfully gaining admission, have usurped and snatched away the chances of other meritorious candidates.
- d) That the University has clearly indicated in the Prospectus/application from that if any wrong statement or particulars are furnished, the admission will be forfeited / cancelled at any time in the future.
- e) That having played fraud and got admission wrongfully the petitioners can neither claim sympathy nor equity in their favour.
- f) That fraud vitiates all actions and such fraud played by the petitioners has the effect of annulling their admission to the B.F.Sc Course, which they are no longer entitled to pursue.

27. I have heard Mr.R.Viduthalai, learned senior counsel appearing for Ms.R.Revathy, learned counsel for the petitioners and Mr.V.Vijay Shankar, learned counsel for the respondents.

28. There are undoubtedly some errors/lacunae in the process of admission as followed by the University. One serious error as pointed out by the petitioners to which there is no defence is that the cut-off marks for various categories has



not been published in public domain. Needless to say, this is necessary in the interests of transparency and also since an applicant has necessarily to be aware of the cut-off mark to assess his chances of success.

29. However, no specific error is pointed out in the fixation of the marks itself. The records that have been sought and produced by the University contain, inter alia, Counselling Transaction Reports (CTR) duly authenticated by the Registrar containing the names of the candidates who have been assigned login Ids, the community they belong to, the cut-off marks obtained by them, the Bank reference number and the dates of transaction of payment and amount. The names of the petitioners are not found on this list.

30. The records produced reveal that the cut-offs have been fixed at the relevant point in time and the impugned orders of rustication proceed on the basis that the petitioners have secured marks lower than the cut-off marks. Mark lists have been produced by the University to indicate those instances where the candidates have obtained marks lower than the cut-off.

31. The petitioners have raised an argument that the non-publishing of cut-off mark list would be fatal to the integrity of the admission process. However, they do not really contest the marks assigned to them based upon their marks in the qualifying exams. Since the marks of the petitioners are not in dispute, it



becomes an easy exercise to ascertain whether the petitioners have achieved the cut-off or not.

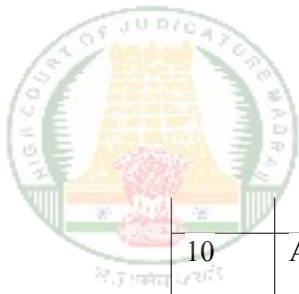
32. After all, as the marks obtained in the core subjects have been provided by the petitioners, any error in computation of cut-off could well have been pointed out by them which they have not chosen to do. The particulars provided by the respondents establish categorically that the 37 writ petitioners have not achieved the cut-off marks fixed for admission. The details are set out below:

2020-2021

S.No.	Name of the student	Category	Selected under quota	Admission given based on cut-off	Remarks
1	Gajendran S.	BC	BC	174.00	Actual cut-off 153.25
2	Nandhana G.S.	BC	BC	168.75	Actual cut-off 157.50

2021 – 2022

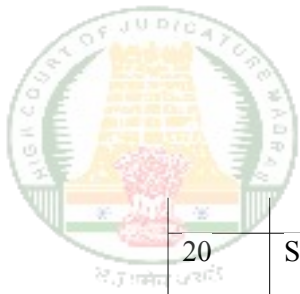
S.No	Name of the Student	Category	Selected under quota	Admission given based on cut-off	Remarks
1	Priya Shruthi S	BC	BC	192.172	Actual cut-off 170.395
2	Thiranap.D	BC	BC	192.000	Actual cut-off 158.5
3	Rajeswari C.	MBC	MBC	191.900	Actual cut-off 179.63
4	Sahaya Rashmi	BC	BC	191.329	Actual cut-off 175.937
5	Sabares N.J.	MBC	MBC	18.467	Actual cut-off 168.1
6	Harini S.	MBC	MBC	188.380	Actual cut-off 173.00
7	Sivabala.S	MBC/DNC	MBC/DNC	188.000	Actual cut-off 173.016
9	Gayathri R.M.	MBC	MBC	187.890	Actual cut-off



10	Atchaya.V	SC	SC	184.756	183.535	Actual	cut-off
11	Moobika.M	MBC	FW-15%	183.680	168.809	Actual	cut-off
12	Hepzibah Blesslene.R	BC	BC	182.110	174.685		
13	Sujithra Sri.S	BC	BC	156.419			

2022- 23

S.No	Name of the Student	Category	Selected under quota	Admission given based on cut-off	Remarks
1	Sachin D.S.	BC	BC	192	Actual cut-off 171.00
2	Anuja R.P.	MBC	MBC	191.5	Actual cut-off 170.50
3	Bejoe Parwin.R.	BC	BC	191.5	Actual cut-off 182.50
4	Sadhana V.	BC	BC	191	Actual cut-off 128.50
5	Sunsika K.	BC	BC	191	Actual cut-off 154.00
6	Abarna M.	BC	BC	190.5	Actual cut-off 162.50
7	Arutsudar.P	BC	BC	190.5	Actual cut-off 154.50
8	Parthiba	BC	BC	190.5	Actual cut-off 160.00
9	Thasnevis Aster.A	MBC	MBC	190.5	Actual cut-off 139.50
10	Dharanitharan.D	BC	BC	189.5	Actual cut-off 167.50
11	Infant P.	BC	BC	189.5	Actual cut-off 154.00
12	Karthiga.C	BC	BC	189.5	Actual cut-off 163.50
13	Mariya Dharsiha.G	BC	BC	189.5	Actual cut-off 160.50
14	Santhiya S.R.P.	BC	BC	189.5	Actual cut-off 175.00
15	Shanmugasundaram. S	BC	BC	189.5	Actual cut-off 179.00
16	Sharon Gold.D	BC	BC	189.5	Actual cut-off 157.5
17	Raja Saravanakumar.J	MBC	MBC	188	Actual cut-off 157.5
18	Mithun Misra A.V	BC	BC	187.5	Actual cut-off 149.00
19	Francis Fabio.B	MBC	MBC	186.5	Actual cut-off



20	Saro Haney.A	MBC	MBC	186	127.00 Actual	cut-off 157.00
21	Ajay.M.J	BC	BC	185.5	Actual 119.50	cut-off
22	Priya Dharshini S.	MBC	Fisherman Ward 15%	183	Actual 171.5	cut-off

33. The Court accepts the cut-off marks fixed by the University though acknowledging the error committed by non-publication of the marks in public domain. It is reiterated that the petitioners have not pointed out any error in the computation of the cut-off marks in their cases.

34. That apart, the marks of the petitioners as computed by the University is correct as it is based on the marks furnished by the petitioners themselves. Thus, the Court does not see any reason not to accept the marks as computed by the University. Moreover, it is also confirmed from the records that the marks secured by the petitioners is less than the cut-off fixed by the respondents. This is on the one hand.

35. The other aspect of the matter relates to the participation of the petitioners in the counselling process. The petitioners were given several opportunities to establish their participation and were permitted to produce i) a copy of the letter inviting them for counselling, ii) ID or login particulars furnished to them to enable online participation in the counselling process, iii) letter/e-mail intimating them of the fee for counselling, iv) proof for having paid



such counselling fee and v) any other proof in their possession to establish that they had been called for and had participated in the counselling process.

36. Barring V.Atchaya, S.Priya Shruthi, S.Sujitharasri, S.PriyaDharshini, R.HepzibahBlesslene and A.RajaSaravanakumar (petitioners in WP.Nos.20815, 20823, 20943, 22489, 22481 and 22479 of 2023 respectively), none have produced any material. The aforesaid 6 petitioners have produced an acknowledgement of receipt for counselling fee.

37. However those acknowledgements are bereft of any signatures alongside the designation of ‘Verification Officer’ and ‘Chairman, UG Admission Committee, Tamil Nadu Dr.J.Jayalalitha Fisheries University’. Hence the receipts lack credibility and are eschewed as being unreliable and concocted.

38. This conclusion is supported by an additional affidavit filed by the respondents on 26.07.2024, wherein they have categorically stated that counselling fee has not been paid by V.Atchaya, S.PriyaDharshini, R.HepzibahBlesslene and A.RajaSaravanakumar. The aspect of illegality in the admission process is thus quite clearly established.

39. Learned Senior Counsel would however, plead that the career of the petitioners must not be compromised by virtue of the illegality in the admission process committed by their parents. Some suggestions were discussed in the



context of community service being rendered by the petitioners as a measure of regret and recompense for the manner by which admission has been secured.

40. Mr.Vijay Shankar would point out that the present petitioners have unseated 37 persons who had ranked higher in merit on the admission list. He would also point out that mere community service would be an insufficient measure of atonement in these cases as there has been serious financial prejudice caused by the petitioners to the University.

41. Vide memo dated 07.08.2024, the respondents submit that if at all the Court were pleased to accept the submissions of the petitioners, the Court may direct the petitioner to pay the fees that is payable by the students as admitted in the self-supporting scheme.

42. The Writ Petitioners have secured admission in the regular stream for which the course fee per semester is only Rs.16,000/- (approx.), whereas, for the students in the self-supporting scheme, the course fee would be Rs.16,000 + Rs.75,000 (approx.) per semester. Thus, and solely as a one-time measure, the University may be directed to regularise their admissions on payment of Rs.75,000/- per semester for the course fixing a timeline for the same.

43. The respondents also undertake that out of the amounts that may be permitted to be paid, some portion may be directed to be invested in either a



corpus fund in the University for students' welfare, innovative research to benefit the fishermen and fish farmers or any other institution as the Court may direct.

44. As regards the enquiry that is being conducted in the case of Dr.P.Jawahar and G.Immanuel, the respondents confirm vide additional affidavit dated 21.07.2024 that charges were framed and explanations have been submitted on 14.08.2023 and 24.08.2023 respectively. Dr.R.Prabakaran, former Vice Chancellor TANUVAS is the enquiry officer and has concluded the enquiry on 13.06.2024.

45. In that affidavit, the Registrar of the University states that his report is awaited. The University also confirms that a team headed by the Deputy Superintendent of Police, CBCID, Thanjavur has made a preliminary enquiry and that investigation is on-going by that unit as well.

46. The trajectory of events has left me in no doubt that all is not well in the manner by which the petitioners have secured admission to the course. The marks obtained by the petitioners in the qualifying examinations have been furnished by them along with their applications and the qualifying marks have been arrived at by the University, based on those marks.

47. Admittedly, the qualifying marks of the petitioners are lower than the cut-off marks fixed by the University. In the considered view of the Court, this



one fact will suffice that the petitioners are not entitled to the admission that they have secured in the University.

48. The decisions that have been cited by the petitioners are in support of the proposition that even if the Writ Petitioners had been admitted illegally, they have pursued the course for a significant length of time and thus, the University must be estopped from preventing the candidates from pursuing the courses further.

49. In *Deepa Thomas*⁵, the Hon'ble Supreme Court thought it an eminently fit case to permit those appellants to continue and complete the MBBS Course to which they were admitted in 2007. The admissions in that case were to be irregular. There is a finding that the irregularity had been occasioned due to the inadvertent omission to include in the prospectus the requirement of minimum 50 marks in the common entrance examination.

50. There is also a finding that the Medical Council of India has not been implementing the Regulations uniformly and that different States have interpreted the Regulations in different ways on the strength of interim orders passed by the High Court and subsequently by the Supreme Court. Those appellants had continued their studies for 4 ½ years appearing in all the examinations in the interim. In those circumstances and relying upon the decision in the case of

⁵Foot Note Supra (2)



*Monika Ranka*⁶, rendered by a Bench of three Judges, they accepted the case of those students.

51. In *Monika Ranka*⁷, the candidate had completed one year of the course, whereas in *Deepa Thomas*⁸, the candidates had completed four years of the MBBS Course. In both the cases, the candidates had not been informed of the marks secured by them in the entrance examination.

52. I now compare the facts of the present case with the case of *Deepa Thomas*⁹ and *Monika Ranka*¹⁰. In this case, there is clearly an error on the part of the University not to have published the cut-off marks. However the records reveal the fixation of cut-off marks for the various categories at the relevant point in time. Moreover, the qualifying marks secured by the petitioners is not in doubt and have been furnished by them along with their applications. 22 petitioners before me have completed only one year of the course.

53. Most importantly, there is no allegation of fraud in the case of *Deepa Thomas* and *Monika Ranka* as in the present case. The admission of those candidates had been made in error by those Universities overlooking certain pertinent rules and requirements under the prospectus. It was nobody's case that

⁶Foot Note Supra (1)

⁷Foot Note Supra (1)

⁸Foot Note Supra (2)

⁹Foot Note Supra (2)

¹⁰Foot Note Supra (1)



those candidates had colluded or connived to secure admission as in the present case.

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54. In the case of *Sanatan Gauda*¹¹, the Hon'ble Supreme Court has rendered a finding that the mark sheet of the candidate had been submitted along with the application form to the Law College. That candidate had been admitted and had pursued his studies for 2 years. It is only at the stage of declaration of the results of the Pre-Law and Intermediate Law examinations that an objection was raised on his eligibility to have been admitted to the law course.

55. The Court holds that the University was estopped from refusing to declare his results or from pursuing his final year course, since they were well aware of the marks obtained by him in school as the marksheet had been submitted along with the application form. It was hence that the case of that candidate was accepted in the absence of any allegation of fraud. The findings of fact in the order proceed on the basis of a full and true disclosure having been made by the candidate.

56. The case of *Rajendra Prasad Mathur*¹² is a little different. The candidates in that case had completed their schooling in Rajasthan. They had applied for further studies in Karnataka in a college affiliated to the Karnataka University. Admittedly, they were ineligible as the higher secondary pattern in

¹¹Foot Note Supra (4)

¹²Foot Note Supra (3)h



Rajasthan requires only 11 years of schooling, whereas the State of Karnataka followed a pattern of 10+2. Though the candidates were not eligible for admission, they were admitted by the college and had continued their studies for 4 years.

57. The Supreme Court notes the fact that the candidates were clearly ineligible and that they had no legitimate claim to admission. However, they note that a full disclosure of the courses that they had studied in had been made by the candidates, and in such circumstances, the Karnataka University must take the blame for having admitted ineligible candidates in the first place.

58. Though significant stress has been laid on the aforesaid decisions by Mr.Viduthalai, the apparent difference between those cases and the present is that there was a full and true disclosure by the candidates in those cases, unlike by the petitioners in the present matters. It all boils down to whether there had been any illegality committed by the petitioners in connivance with the staff of the University at the time of selection and on this score, the answer is clearly in the affirmative.

59. I arrive at this conclusion based on the fact that the records of the University that do not reveal evidence of the petitioners having participated In the online counselling, issuance of unique id's or payment of counselling fee.



The qualifying marks speak for themselves, and when compared with the cut-offs fixed, fall short of the requisite threshold.

60. Though the cut-off marks have not been published by the University, which admittedly is an infirmity, there is no dispute on the marks per se. It is nobody's case that the petitioners have not obtained the required marks. The interpolation of the marks scored by the petitioners with higher marks in order to render them eligible also emanates from the records.

61. The petitioners have argued that Rule 42 of the Statutes of the University provides for rustication only in respect of irregularities conducted post admission and not prior thereto. However, there is no merit in this argument. If the admission of the Writ Petitioners is found to be illegal, such an illegality/irregularity would continue even post their admission and can be addressed at any time during their tenure in the Institution.

62. The parameters for admission require securing of marks above the cut-off marks by the candidates, irrespective of whether the cut-off has been placed in public domain or otherwise. The securing of admission notwithstanding the failure to achieve the minimum cut-off is clearly attributable to collusion and connivance by the petitioners with the University officials.

63. Though there is a lukewarm attempt to disavow any involvement or participation in the irregularities committed, such an attempt has no substance.



Needless to state, it takes two hands to clap. There would have been no necessity for the erring officials of the University to have engaged in such acts if there had been no acquiescence and co-operation by the petitioners. Hence, it is irrelevant as to which party took the first step or the initiative in that regard.

64. I have opined that there is an error committed by the University in not having published the cut-off marks in public domain. However, and on balance, I find that the illegalities committed by the petitioners are of a far higher gravity when compared with the error committed by the University.

65. Hence the University is cautioned to ensure that there is strict compliance with all rules and regulations and going forward, the cut-off marks are published in public domain in a timely and transparent fashion. For the reasons as aforesaid, the Court accepts the position that the admission of the petitioners is contrary to the Rules and there is justification in the passing of the impugned orders.

66. I also do not agree with the submission that the petitioners may be exonerated and should not be penalised for the sins of their parents as they were not directly to blame in the wrong doings. However, bearing in mind the career of the writ petitioners, this Court is inclined to issue the following orders, solely as a one-time measure and without it being cited as a precedent in future. The directions are:



(i) The petitioners may continue and finish their courses strictly subject to compliance with the conditions imposed below.

(ii) The suggestion of the University under memo dated 07.08.2024 is accepted. That memo reads as under:

1) *It is submitted that from the counter affidavit filed and in the light of the materials and other evidences submitted before this Hon'ble Court, it would be evident that all the petitioners have gained the admission wrongfully. The tabular column will clearly explain and substantiate that the petitioners did not possess the cut-off marks required for admission in the respective reservation category.*

2) *In the light of the foregoing, it is respectfully submitted that this Hon'ble Court may direct the petitioners to pay the fees that is payable by students admitted in the Self-Supporting scheme. While for students in the regular stream, the course fees per semester is only Rs.16,000/- (approx.), for those students in the Self-Supporting scheme, the course fee is Rs.16,000 + 75,000 (approx.).*

3) *In the present batch of cases, 2 students who were admitted in the 2020-2021 batch are currently in the final year/semester. 13 students were admitted in the 2021-2022 batch and 22 students in the 2022-2023 batch.*

4) *It is submitted that each of the 37 students viz., petitioners may be directed to pay additional course fee of Rs.75000/- per semester, from the first semester till they complete their course. Based on such payments, as a one time measure, their admissions can be regularised. This Hon'ble Court may be pleased to fix a time limit for such payments.*

5) *It is further respectfully submitted that out of the total amounts received from the students, a portion thereof, as decided*



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by this Hon'ble Court, may be invested as a Corpus Fund in the University for students welfare and to carryout innovative research to benefit fishermen and fish farmers. Another portion may be directed to be paid to the Adyar cancer institute or any other charitable organisation as deemed fit by this Hon'ble Court.

(iii) The petitioners will remit a sum of Rs.75, 000/- per semester for the duration of the course to the University, subject to which payment per semester, they will be permitted to attend classes and appear for the examinations for each semester.

(iv) The arrears for the semesters already completed will be remitted by each petitioner to the University within a month from the date of receipt of this order.

(v) In the unique facts and circumstances of these cases, the course completion certificates will be issued in the case of each petitioner, only upon the receipt of the entirety of the fees from the petitioners.

67. These writ petitions are disposed by way of this common order with no order as to costs. MPs are closed.

30.10.2024

Index : Yes
Speaking Order
Neutral citation: Yes
sl/vs



To

1. The Vice Chancellor,
Tamil Nadu Dr.J.Jayalalitha Fisheries University,
Nagapattinam – 611 001.
2. The Registrar,
Tamil Nadu Dr.J.Jayalalitha Fisheries University,
Nagapattinam – 611 001.
3. The Controller of Examinations,
Tamil Nadu Dr.J.Jayalalitha Fisheries University,
Nagapattinam – 611 001.
4. The Dean,
Fisheries College and Research Institute,
Thoothukudi – 628 008.



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W.P.Nos.22453 of 2023 etc. b:



DR.ANITA SUMANTH,J.

sl/vs

W.P.Nos.22453, 20810, 20811, 20815, 20820, 20823, 20827, 20832, 20837, 20843, 20943, 20947, 20952, 20964, 22460, 22462, 22465, 22467, 22469, 22470, 22471, 22473, 22475, 22476, 22477, 22478, 22479, 22496, 22491, 22481, 22484, 22485, 22486, 22488, 22489, 22493 & 22480 of 2023

and

WMP.Nos.20186, 20187, 20189, 20190, 20193, 20194, 20197, 20200, 20202, 20203, 20206, 20208, 20210, 20211, 20216, 20217, 20313, 20314, 20319, 20321, 20329, 20332, 20342, 20343, 21852, 21856, 21863, 21864, 21866, 21868, 21872, 21873, 21875, 21876, 21877, 21878, 21880, 21882, 21883, 21884, 21885, 21886, 21889, 21890, 21892, 21893, 21894, 21895, 21896, 21897, 21898, 21899, 21900, 21901, 21902, 21903, 21904, 21905, 21908, 21910, 21911, 21912, 21913, 21914, 21917, 21918, 21920, 21921, 21922, 21925, 21926, 21927, 21928, 21930, 21932, 20184 & 20185 of 2023

30.10.2024