



W.P.No.24957 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.24957 of 2023
and W.M.P.No.24524 of 2023**

Kiran Dev.R.V

Vs.

... Petitioner

1. The Principal Secretary,
Higher Education Department,
Secretariat, Chennai-600 009.
- 2.The Registrar,
Anna University,
Sardar Patel Road, Guindy,
Chennai-600 025.
- 3.The Controller of Examinations,
Anna University,
Sardar Patel Road, Guindy,
Chennai-600 025.
- 4.The Director,
Centre for Academic Courses,
Anna University,
Sardar Patel Road, Guindy,
Chennai-600 025.



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5.The Principal,
SRG Engineering College,
SH-95, Mohanur Road, Aniyapuram,
Namakkal-631 017.
Respondents

...

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned consolidated marksheet on the file of the third respondent bearing Register No.622718418002, Folio No.AUL4512388 dated 07.11.2022 and quash the same as illegal, arbitrary and non-est in law and consequently, direct the third respondent to award First Class Degree to the petitioner and further, direct the third respondent to provide a Degree Certificate and a new consolidated marksheet to the petitioner by making necessary changes within the time stipulated by this Court.

For Petitioner	:	Mr.G.Thiyagarajan
For Respondents	:	Mr.K.Surendiran Additional Government Pleader for R1 Mr.U.Baranidharan Standing Counsel for R2 to R4 Mr.P.Dinesh Kumar for R5



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ORDER

This Writ Petition has been filed challenging the impugned consolidated mark sheet issued by the third respondent bearing Register No.622718418002, Folio No.AUL4512388 dated 07.11.2022 and for a consequential direction to the third respondent to award First Class Degree to the petitioner and provide a Degree Certificate and the new consolidated mark sheet to the petitioner by making necessary changes within a time stipulated by this Court.

2. The learned counsel appearing for the petitioner submits that the petitioner has joined M.E (Master of Engineering) Degree Programme in Construction Engineering and Management Branch in the fifth respondent College affiliated to the second respondent University and the petitioner ought to have completed the Degree in April 2020, however, he could not attend the examination held in April/May 2019 for a laboratory course, namely, Advanced Construction Engineering and Computing Techniques Laboratory, which is falling in the second semester, due to health conditions



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and thereafter, all the Universities and Colleges under the aegis of Tamil Nadu Higher Education Department were closed on 17.03.2020, due to COVID-19 Lockdown and the Universities and the Colleges were permitted to reopen and conduct the classes from 01.09.2021 and the fourth respondent had issued the Notification in Letter No.714/AU/CAC/IA-Exams/2021, dated 10.03.2021, in which, it has been decided to conduct all the laboratory courses of all UG/PG Programmes in Physical mode for all the courses of UG/PG Programmes and the petitioner has also appeared for the examination of the laboratory course, namely, Advanced Construction Engineering and Computing Techniques Laboratory, in November 2021 and has secured 7.86 CGPA in total. The First Class degree has been awarded to the students who have secured a CGPA of not less than 7.00, but the third respondent has awarded Second Class in the Consolidated marksheet and the Provisional Certificate dated 07.11.2022. Thereafter, the petitioner made representations to the third respondent through the fifth respondent to change the class of degree in the consolidated marksheet and the provisional certificate. However, the third respondent,



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vide reply dated 12.07.2023, has stated that though the petitioner has secured necessary CGPA for First class, he has miserably failed to appear for the practical examinations within the prescribed time and therefore, he is not entitled to get First Class in the Degree. He would further submit that the examinations were not conducted due to pandemic lockdown, which cannot be put against the petitioner.

3. The learned Standing Counsel appearing for the respondents 2 to 4 submits that as per Clause 17.2 of the Regulation 2017 of Anna University, the petitioner should have completed the Course within three years. The petitioner having joined in the Course in the year 2018 ought to have completed the Course in April/May 2021, however, he attended the lab exam only in November/December 2021 and the petitioner did not complete the Course within three years and therefore, he is not eligible to obtain First Class Degree.



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

5. It is seen from the materials available on record that the petitioner has joined in M.E(Master of Engineering) Degree Programme in Construction Engineering and Management Branch in the fifth respondent College, affiliated to the second respondent University in the year 2018 and has not appeared the examination for the laboratory course, namely, Advanced Construction Engineering and Computing Techniques Laboratory, held in April/May 2019 and in the year 2020, all the Universities and the Colleges under the aegis of Tamil Nadu Higher Education Department were closed due to Covid-19 lockdown and thereafter, were permitted to reopen from 01.09.2021. The petitioner attended the examination of the Laboratory Course, namely, Advanced Construction Engineering and Computing



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Techniques Laboratory, only in November 2021 and secured 7.86 CGPA and he was awarded Second Class in the Consolidated Marksheet and the provisional Certificate dated 07.11.2022, which is under challenge in this petition. Though the petitioner claims that he has secured 7.86 CGPA in total and however, he was awarded Second Class in the Consolidated Marksheet and the provisional Certificate, as per Clause 17.2 of the Regulation 2017 of the Anna University, the petitioner should have completed the course within a period of three years (i.e.,) April/May 2021. However, the petitioner, though joined in the Course in the year 2018, has failed to appear for practical examination in April/May 2019 and attended the lab examination only in November/December 2021. Therefore, as per the Regulation of the Anna University, he was awarded Second Class in the Consolidated Marksheet and the provisional Certificate dated 07.11.2022, since he has not completed the Course within a period of three years and the reasons stated by the learned counsel appearing for the petitioner for not attending the examination held in April/May 2019 are not satisfactory to consider the case of the petitioner. Hence, this Court does not find any error in the



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Consolidated Marksheet and the Provisional Certificate dated 07.11.2022

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issued by the third respondent.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

ssb



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