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WP No. 36249 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08-07-2025

PRONOUNCED ON: 05-08-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP No. 36249 of 2024

AND

WMP NO. 39124 OF 2024

1. Amanda Miriam Fernandez.R
D/o.Rozario Dharmesh Fernandez,
No.35/27, 19th Street Nanganallur,
Chennai -600 081.

Petitioner(s)

Vs

1. The Vice Chancellor
University Of Madras,
Chepauk, Chennai-600 005.
2.The Registrar,
University Of Madras,
Centenary Building, Chepauk,
Chennai-600 005.
3.The Controller Of Examination,
University Of Madras, Chepauk,
Chennai-600 005.
4.The Head Of The Department,
Department Of Journalism And Mass
Communications,
University Of Madars,
Chepauk, Chennai -600 005.

Respondent(s)

PRAYER

Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to declare the results for the subject code CIS C001-History of communication pursuant to the examination conducted on 11.05.2024 based on the representation dated 14.08.2024.



WEB COPY



WP No. 36249 of 2024

For Petitioner(s): Mr.V.Vasantha Kumar
For M/s. R.Chandra Mohan

For Respondent(s): Tmt. Sudha For R1 To R3

ORDER

The brief facts which are necessary for the adjudication of the present writ petition is that, the petitioner is a student of M.A Journalism at Madras University. He appeared for the History of Communication examination on 11.05.2024, whereas such result was not declared.

2. Heard Mr.V.Vasantha Kumar, learned counsel for the petitioner and Ms.Sudha, learned counsel for the respondents.

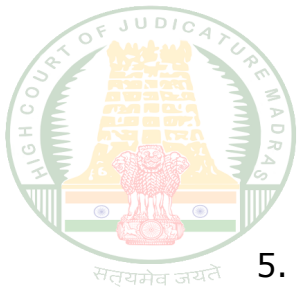
3. The learned counsel for the petitioner would vehemently contend that the petitioner is a student of M.A.Journalism in MASS Communication in the 2nd respondent-University. When the 2nd respondent-University did not conduct examination by citing the lack of attendance against this petitioner and six other persons, they were constrained to file a writ petition in WP.No.13357 of 2024. However, since the University came forward to conduct the examination on 11.05.2024, they withdrew the writ petition. He would further contend that, having participated in the examination dated 11.05.2024, the respondents did not declare the results. It is the further submission of the learned



WP No. 36249 of 2024

counsel, that even the Court appointed Commissioner had submitted a report that there was an examination and that this petitioner had participated in the same. The learned counsel would contend that because of the internal tussle between two authorities, the respondent-University did not publish the results. Hence, prayed to issue a writ of Mandamus directing the respondents to declare results.

4. Per contra, the learned Standing Counsel appearing for the respondents would vehemently contend that there was no examination at all, as projected by the petitioner, and the petitioner is playing fraud against the Court. It is the further submission of the respondents that on the basis of the deliberate false submission of the petitioner, WP.No.13357 of 2024 was dismissed as withdrawn. The learned Standing Counsel would submit that the petitioner did not have a required attendance and therefore, the question of conducting examination to her does not arise. Apart from that, the petitioner was directed to attend redo classes commencing from 14.08.2024. However, the petitioner did not attend the redo classes. Therefore, she become ineligible to participate the examination. It is the further submission that the alleged examination which had been conducted on 11.05.2024 was not authorized by the University. Therefore, would contend that the instant writ petition is liable to be dismissed.



WP No. 36249 of 2024

5. I have given my anxious consideration to either side submissions.

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6. Before we delve into the present facts, we must deal about earlier Writ Petition in WP.No.13357 of 2024. Admittedly, the petitioner had filed a writ petition in WP.No.13357 of 2024 and the same was subsequently withdrawn on 01.07.2024, wherein paragraph 3 of the order recorded the submission of the learned petitioner counsel. For ready reference, the same is extracted hereunder:-

"3. Today, Mr.V.C.Selvasekaran, learned counsel on record for the petitioner states that after institution of this Writ Petition, the examination for the subject code CIS C001- History of communication has been conducted on 11.05.2024 for 7 students, including the petitioner."

7. The petitioner is very much relied upon the above submission, and contended that having conducted the exam, the result must be released. They also submit that in the above writ petition, the respondent was also represented through counsel. But, the submission that there was exam, was stoutly objected by the learned Standing Counsel of the University.

8. It is also relevant to refer that during the pendency of this writ petition, vide order dated 01.04.2025 this Court has appointed Advocate Commissioner Mr.A.K.Sriram, Learned Senior Counsel to submit a report

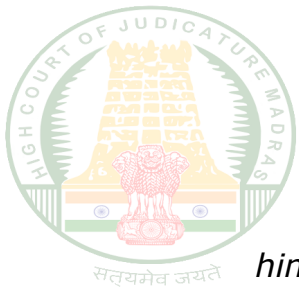


WP No. 36249 of 2024

as to whether the examination was conducted on 11.05.2024 as pleaded by the petitioner. The learned Advocate Commissioner has submitted a report, saying that there was an examination on 11.05.2024. Therefore, from the above report, the question of conducting examination on 11.05.2024 and the participation of the petitioner cannot be denied. However, it is the submission of the learned Standing Counsel that the University has not given any authorization to anybody to conduct exam, and that the University did not at all conduct any examination for the subject of "History of Communication", more particularly for this petitioner as she did not possess the mandatory prerequisite of necessary percentage of attendance, as stipulated under CBCS Regulations. The learned Standing counsel would also submit that since the petitioner did not have the required attendance, keeping in mind with the future of students, a redo classes were ordered and conducted from 14.08.2024, for which a communication was also sent to the petitioner on 13.08.2024.

9. Therefore, the issue now narrow down to find out whether the examination conducted on 11.05.2024 was the one conducted by the respondent-University or not?. In this connection, it is relevant to refer the report of the learned Advocate Commissioner, wherein he observed in paragraph 9 as follows:-

"9. Dr.Gopalakrishnan, the HOD In-charge appeared virtually on a Zoom meeting with me and after informing



WP No. 36249 of 2024

WEB COPY

him, the said meeting was recorded. Dr.Gopalakrishnan states the following:

a. There was an exam conducted on 11.05.2024, however the same was in the nature of a mock exam.

b. The seven students had attendance issues, which led to this situation and that he had informed the seven students of the fact that this was a mock exam and that it was not official.

c. That a WhatsApp group was created for this purpose for the benefit of these students.

d. Subsequently, the exam that was conducted was not approved by the University and therefore, the students were not benefited by writing the exam on 11.05.2024.

e. The exam fees were asked to be paid by the students as evidenced by the messages on 9th and 10th May 2024.

*f. That he did all this for the benefit of the students but **unfortunately the decision making authority in Madras University, in its wisdom, did not approve the exam.***

g. That the exam on 11.05.2024 was conducted after a committee discussed the same and approved it.

h. The question paper for the said exam was supplied to the seven students on his instructions, though he was not present when the said exam was written by the said students on 11.05.2024."

[Emphasis supplied by this Court]

10. The learned Senior Counsel, who is the Advocate Commissioner has ultimately found that the examination was held for seven students on



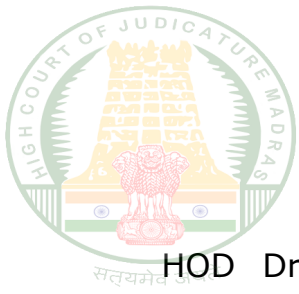
WP No. 36249 of 2024

11.05.2024 and that the question paper dated Nil April, 2024 is genuine since it has been furnished to the students, who took the examination on 11.05.2024 on the instructions of Dr.Gopalakrishnan, HOD In-charge. Therefore, as observed by the learned Advocate Commissioner, the examination was conducted on the instructions of Dr.Gopalakrishnan. But, when Dr.Gopalakrishnan was examined by the Advocate Commissioner, he himself has stated that it was only a mock exam. Apart from that, one of the seven students had informed to the Advocate Commissioner that the exam was held on 11.05.2024 on the corridor qua outside the class room of the Department.

11. The disputed exam was planned through WhatsApp message and that there was no official Notification. The learned counsel for the petitioner is very much relied upon th WhatsApp communication of the HOD one Mr.Gopalakrishnan. According to his communication, he has categorically stated in his WhatsApp chat on 09.05.2024 as follows:-

"I am informally authorized to conduct arrears for HoC-will get the committee approval shortly."

12. Again on 24.05.2024, he has stated that "Update: Dean Academic has not approved your arrears examination yet. On 28.05.2024, he updated that "We have not got dean academic approval for arrears. So all have to redo." Therefore, it is evident that though the



WP No. 36249 of 2024

HOD Dr.Gopalakrishnan has conducted examination, admittedly such exam was not authorized by the University, and even in his communication dated 09.05.2024, he was so categorical that he was informally authorized to conduct arrears of HoC and will get the committee approval shortly. Hence, as rightly contended by the learned Standing Counsel for the respondents, though there was an examination by the HOD, it was not authorized by the University and even according to the HOD, it was only a mock exam.

13. At this juncture, the learned Standing Counsel would submit that except this petitioner, the other six students have attended the redo classes and have participated the examination conducted by the University and cleared the same. Therefore, the question of conduct of examination is not the issue now, but, the real issue rests upon as to whether such examination was authorized by the University or not?. In the case in hand, from the narration of the above detailed discussion, it is amply clear that there was no approved examination conducted, and the HOD has attempted to conduct examination with a probable hope that he would get concurrence from the academic committee. Ultimately, he himself had stated that such concurrence was not given by the Academic Committee. Here, we must also keep in mind that the petitioner did not have the required attendance to participate the exam, and she could sit for exam only after attending the redo classes.



WP No. 36249 of 2024

WEB COPY

14. Therefore, this Court is of the firm view that the University did not conduct any exam as contended by the petitioner. Hence, the petitioner cannot have any relief from this Court.

15. However, before closing the curtains, this Court considers it necessary to highlight a serious systemic issue of conducting exams on the belief of getting ex-post facto approval has come to light during the adjudication of this case. If such a thing is let lightly, the sanctity of the University's examination would be put at grave risk. Therefore, this Court directs the University to promptly initiate a thorough internal enquiry to identify the systemic shortfalls and the irregularity.

16. In the result, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected WMP is also closed.

05-08-2025

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Index:Yes/No

Speaking order

Internet:Yes

Neutral Citation:Yes/No



WP No. 36249 of 2024

To

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University Of Madras,
Chepauk, Chennai-600 005.

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WP No. 36249 of 2024

C.KUMARAPPAN J.

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WP No.36249 of 2024
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WMP NO.39124 OF 2024

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