



W.A.No.1869 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.1869 of 2024

1. The University of Madras
Rep. by its Registrar
Centenary Building, Chepauk
Chennai – 600 005.

2. The Controller of Examinations
University of Madras
Centenary Building, Chepauk
Chennai – 600 005.

.. Appellants

Vs.

K. Siva

.. Respondent

Prayer: Appeal filed under Section 5 of the Limitation Act, against
the order dated 03.11.2023 made in W.P.No.26855 of 2023.

For the Appellants : Mr.D.Ravichander

For the Respondent : No Appearance

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order
passed by the Writ Court dated 03.11.2023 made in W.P.No.26855
of 2023.



W.A.No.1869 of 2024

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2. That the respondent herein was the writ petitioner, who is the employee of yet another State University, where, there is a due for his promotion. In order to achieve such promotion, one of the criteria is that he must have secured 60% of marks in his Post Graduate (PG) Degree. Whereas, he has secured 59.94% of marks in his PG Degree, as reflected in the mark statement issued by the appellant University, where, he studied and secured PG Degree.

3. Therefore, the plea of the respondent/writ petitioner before the appellant University was to round-off the percentage of marks of 59.94% into 60%, thereby, making it as a first class, for which he is entitled to and if such correction of rounding-off is completed and the mark-sheet or the grade-sheet is issued to that effect by the appellant University, it will pave way for the respondent/writ petitioner to seek promotion. Therefore, after having failed in his attempt to get such rounding-off from the appellant University, he has approached the Writ Court by filing a writ petition, seeking a writ of mandamus to that effect.

4. The learned Writ Court, having considered the said aspects, has passed the following orders:-



W.A.No.1869 of 2024

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"2. Ms.Shabnam Banu, learned counsel for the respondents makes a statement that the petition itself is hit by latches as the petitioner has approached this Court some 21 years after the results were published, whereas the learned counsel for the petitioner would submit that for him to approach the University, the cause of action has now arisen when he was being considered for promotion, which requires a first class. Hence, the petitioner was constrained to move this petition.

3. What the petitioner seeks is rounding of his mark which had been awarded to him and no more. What is indisputable is that the petitioner had secured 59.94% and if this score had to be pencil-dotted on a graph, it would literally sit on 60. The petitioner merely requires the respondents to round his score off to the nearest whole number, and this exercise does not involve performing any substantial duty by the respondents. In other words, it cannot be equated to a situation where the petitioner was sitting over his right for twenty-one years that he should lose his right due to latches as contended by the counsel for the respondents. It does not even demand any serious application of mind.

4. To conclude, the petition is allowed, and the respondents are directed to issue a decree certificate to the petitioner, rounding off his marks from 59.94% to 60% within a period of six weeks from today. No costs."

Aggrieved over the said order, the present writ appeal has been directed at the instance of the appellant University.



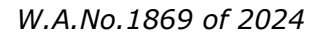
W.A.No.1869 of 2024

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5.1. Heard *Mr.D.Ravichander*, learned Standing Counsel appearing for the appellant University, who, during the earlier hearing, was directed to produce the Regulations of the University or the Statutes of the University to verify if such kind of rounding-off of less than one mark, that is a fraction of one mark, is prohibited.

5.2. The learned Standing Counsel appearing for the appellant University, after having verifying the Statutes, would report before this Court that the Statutes of the appellant University neither permits nor prohibits such kind of rounding-off.

6. Normally, permitting rounding-off might not be mentioned in the Statutes, but, at the same time, if it is the intention of the Statute-makers of the University to prohibit such kind of rounding-off, the Statutes would certainly have a provision prohibiting such rounding-off. In the absence of any such provision to prohibit such rounding-off, there would be no impediment for the appellant University to go ahead with the rounding-off of the percentage.



8. In that view of the matter, the view taken by the learned Writ Court in allowing the writ petition through the impugned order cannot be found fault with, as it is neither an erroneous approach nor the decision is an infirm one. In light of the above, we are in agreement with the said view taken by the learned Judge through the impugned order.



W.A.No.1869 of 2024

WEB COPY

9. Resultantly, the appeal fails and hence, it is dismissed.

However, there shall be no order as to costs. Consequently,
C.M.P.No.13508 of 2024 is closed.

(R.S.K., J.) (H.C., J)
01.09.2025

Speaking Order/Non-Speaking Order
Index:Yes/No
Internet:Yes/No
Neutral Citation:Yes/No

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R. SURESH KUMAR, J.
AND
HEMANT CHANDANGOUDAR, J.
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