



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

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THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.12012 of 2024

Avinesh .V
S/o. T.V. Venkataraman,
205 Lemon Grass Apartment,
Poothapedu Main Road,
Porur, Chennai 600 116

....Petitioner

Vs

1. The Director
Directorate of Distance Education,
Annamalai University,
Annamalai Nagar 608 002

2.University Grants Commission
Represented by its Secretary,
9 Bhadurshah Zfar Marg,
New Delhi 110 022

....Respondents

PRAYER

Writ Petition has been filed under Article 226 of the Constitution of India directing the 1st respondent herein to re-evaluate the Dissertation submitted by the petitioner herein on 10.04.2023 and issue a marksheet based on the Dissertation submitted by the petitioner herein.

For Petitioner

Mr.R.Priyanka

For Respondents

Mr.U.Baranidharan for R1
M/s Rabu Manohar, SCGSC for R2



ORDER

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This writ petition is filed for Mandamus directing the first respondent, namely, the Director, Directorate of Distance Education, Annamalai University, to re-evaluate the Dissertation submitted by the petitioner herein on 10.04.2023 and to award marksheet and consequently to declare the results of the petitioner and to award L.L.M.(Contracts including Mercantile Law) to the petitioner.

2. The case of the petitioner is that, the petitioner possesses a Bachelor's Degree in Law. He is a practising Advocate, and he enrolled for the course L.L.M.(Contracts including Mercantile Law) at the first respondent-University in the year 2019 with the enrolment No.2581800066. The petitioner cleared his first two years and passed all the examinations conducted by the first respondent. While in the third year, the petitioner had two papers namely, "Law of Insurance and Carriage of Goods" and Dissertation. The petitioner has cleared the written examination of Law of Insurance and Carriage of Goods successfully and submitted the Dissertation on the topic of Privity of Contract on 04.08.2021 through registered post and the same was duly received by the first respondent. The first respondent issued a letter dated 15.12.2021 to the guide, who had assisted the petitioner in the preparation of the Dissertation and requested to re-evaluate the dissertation submitted by the petitioner. The guide had done the same and awarded the mark on 27.12.2021. However, the first



respondent issued the mark list by granting marks only with reference to written examination and has marked the petitioner as absent with reference to the column relating to the dissertation examination. Hence, the said action is illegal. Considering the aspect that the dissertation has already been valued and marked, the petitioner has come by way of this writ petition.

3. When the matter was taken up for hearing, the learned counsel appearing on behalf of the first respondent-University would submit that it is true that the University has to consider the same and it will correct the mistake and award the due marks and also issue the consequential degree certificate to the petitioner.

4. The prayer is opposed by the learned counsel appearing on behalf of the first respondent University Grants Commission. It is stated that right from the year 2013, there was no recognition at all from the University Grants Commission for Annamalai University to conduct all these courses. As a matter of fact, the University Grants Commission had issued the UGC (Open and Distance Learning Programmes and Online Programmes) Regulations, 2020 and as per the Regulation 2(z), there is an express prohibition for conducting law courses through distance education mode. Thus, the first respondent-University has been running the courses without proper recognition and in any event, even the prohibition is applicable for the petitioner's batch also. It is further stated



that when, earlier the question regarding the very same University running various courses without recognition of the University Grants Commission in distance education mode came for consideration in W.A.No.606 of 2015 and W.P.Nos.27185 of 2015 etc., batch, by a common judgment in a batch of the matter, the Hon'ble Division Bench categorically affirmed the jurisdiction of the University Grants Commission and held that all the courses cannot be conducted by Annamalai University without due recognition. It was only granted protection to those of the students, where there was protection by express orders of the Court. Even with reference to the same, an appeal is preferred by the University Grants Commission by way of S.L.P. (C) No.015406 – 015427/2023 and the same is pending before the Hon'ble Supreme Court of India. Therefore, the learned counsel would oppose the relief being granted.

5. I have considered the rival submissions made and perused the material records of the case.

6. As far as the factual position, it can be seen that the prohibitory regulation came into effect in the year 2020 and the petitioner was admitted in the year 2019. The fact remains that all the other batch-mates of the petitioner completed the course and were awarded the degrees of L.L.M. in law through the distance education method. The petitioner would also have been awarded



the degree, but for the mistake, that occurred with reference to the dissertation marks in respect of the petitioner. That factual position is now considered by Annamalai University that they will carry out the exercise, correct the mistake and issue the certificate.

7. As far as the second objection relating to the non-grant of recognition is concerned, even, the learned counsel for the University is not in a position to contend that there was due recognition. It can be seen that during the relevant period, right from the year 2012-2013, until 2023, Annamalai University has been taking a stand as to the jurisdiction of the University Grants Commission with reference to the distance education mode and the matter was pending in Court by way of several proceedings, in which ultimately, the Division Bench of this Court decided the issue on 20.01.2023. It is stated that the petitioner's batch was the last batch and subsequently, all the courses are discontinued. In that factual background, when the jurisdictional issue was being raised by the University itself and the matter was in Court and the petitioner and the other students were enrolling themselves into these courses, the paragraph 12 of the counter affidavit filed by the University Grants Commission is extracted hereunder for ready reference:

“12. That the said judgment dated 20.01.2023 has been assailed by the UGC by way of a Special Leave Petition before the Hon'ble Supreme Court of India in



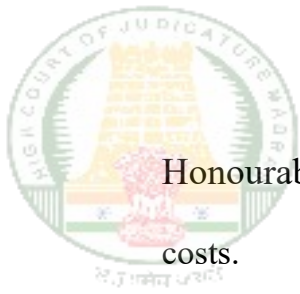
S.L.P.(C)No.015406 - 015427/2023, so far as it protects the admissions made by the University in ODL programmes for the academic year in which there was no recognition from the UGC. The matter is currently pending before the Supreme Court of India.”

8. Thus, all the other similarly placed students are being directed to be awarded valid degrees and the matter is pending before the Honourable Supreme Court of India, I am of the view that notwithstanding, the objection that is made on behalf of the University Grants Commission, the first respondent-University can carry out the exercise of awarding the marks for the dissertation and award the degree certificate. However, the same will be subject to the ultimate decision of the Honourable Supreme Court of India and S.L.P. (C) No.015406 – 015427 of 2023 and what is laid down in respect of all the students will also follow in respect of the petitioner herein also.

9. In view thereof, this Writ Petition is ordered on the following terms:

(i)The first respondent University is directed to take up the exercise of considering the dissertation and the marks awarded by the guide of the petitioner and accordingly, make out the necessary correction and declare the results of the petitioner.

(ii)If the petitioner is successful, award the degree to the petitioner. However, the same will be subject to the further orders that will be made by the



Honourable Supreme Court of India in S.L.P.(C)No.015406-015427 of 2023. No costs.

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To

1.The Director
Directorate Of Distance Education,
Annamalai University,
Annamalai Nagar 608 002

2.University Grants Commission
Rep. By Its Secretary,
9 Bhadurshah Zfar Marg,
New Delhi 110 022



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D.BHARATHA CHAKRAVARTHY, J.

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