

(2011) 08 MAD CK 0128

In the Madras High Court

Case No : Contempt Petition No. 822 of 2011

A.M. Amutha Ganesh and Others

APPELLANT

Vs

Dr.V. Vijaya Kumar The Vice Chancellor The Tamil Nadu Dr.
Ambedkar Law University and Others

RESPONDENT

Date of Decision : 05-08-2011

Acts Referred:

Citation : (2011) 6 CTC 650

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : P.N. Prakash, for Norton and Grant, for the Appellant; V.M.G. Ramakannan, for the Respondent

Judgement

M. Jaichandren, J.—This contempt petition has been filed praying that this Court may be pleased to punish the Respondents for having

committed contempt of Court, by their willful disobedience of the order passed by this Court, on 9.2.2011, in Review Application No. 12 of 2011.

2. This Court, by its order, dated 9.2.2011, in Review Application No. 12 of 2011, had directed the Tamil Nadu Dr. Ambedkar Law University

to appoint an appropriate person to re-evaluate the answer papers of the failed students, who were the Respondents in the review application, in

the subjects concerned, as third valuation, and to award appropriate marks to the concerned students, as per the prevailing University Regulations.

This Court had also directed that the said process should be completed, within a period of ten days from the date of receipt of the said order.

3. The Petitioners in the present contempt petition had submitted that even though the third valuation of the answer papers concerned had been

done, as per the directions issued by this Court, by its order, dated 9.2.2011, the results had not been published. Further, the Respondents are not

taking the necessary steps to conduct special examinations for the failed candidates, as directed by this Court. As such, the Respondents had

willfully violated the order passed by this Court, on 9.2.2011, in Review Application No. 12 of 2011.

4. The learned Counsel appearing on behalf of the Respondents had submitted, on instructions, that the third valuation, as directed by this Court,

by its order, dated 9.2.2011, had been completed and the results had also been published. It had also been submitted that, out of the ten

Petitioners, four had already written the examinations, in respect of the papers in which they had failed. Four other Petitioners have already paid

the examination fees for the semester examinations to be conducted in the month of December, 2011.

5. The Controller of Examinations, The Tamil Nadu Dr. Ambedkar University, the third Respondent in the contempt petition had appeared before

this Court and had submitted that conducting special examinations for the failed Petitioners would be extremely difficult, especially, in view of the

fact that it would take about two months to get the question papers set, by the concerned professors of law, and to make the necessary

arrangements to conduct the examinations. He had also stated that the Petitioners would not have any advantage by writing such specially

conducted examinations. The Controller of Examinations had also submitted that the regular semester examinations would be held in the month of

December, 2011, and it would be open to the Petitioners to write the examinations, by paying the necessary fees.

6. The learned Counsel appearing on behalf of the Respondents had also submitted that they had not committed contempt of Court, as there is No.

willful disobedience of the order passed by this Court, on 9.2.2011, in Review Application No. 12 of 2011. The Respondents had acted in good

faith, without any intention of disobeying the order passed by this Court. It had also been submitted that the Respondents tender their apology, in

case, this Court finds, for some reason, that its order, dated 9.2.2011, in Review Application No. 12 of 2011, had not been complied with in full

measure. The Respondents have high respect and regard for this Court and therefore, the allegations made by the Petitioner, in the present

contempt petition, cannot be sustained.

7. In view of the submissions made by the learned Counsels appearing on behalf of the Petitioners, as well as the Respondents and in view of the

records available, this Court is of the considered view that the Respondents had not committed contempt of Court, as alleged by the Petitioners in

the present contempt petition. It is also found that 6 the submissions made by the Controller of Examinations, the third Respondent herein, with

regard to the conducting of special examinations, are found to be acceptable. In such circumstances, as No. further orders are necessary, the

contempt petition stands closed.