

(2003) 04 MAD CK 0041

In the Madras High Court

Case No : Writ Petition No. 26118 of 2001

J. Sivakumaran

APPELLANT

Vs

The Vice-Chancellor, Bharathiar University and Dr. G.R.
Damodaran, College of Science

RESPONDENT

Date of Decision : 30-04-2003

Acts Referred:

Constitution of India, 1950 — Article 266

Citation : (2003) 04 MAD CK 0041

Hon'ble Judges : V.S. Sirpurkar, J

Bench : Single Bench

Advocate : S. Siva Sangaran, for the Appellant; Chinnasamy for, S. Haja Mohideen Gisthi, For Respondent-1, for the Respondent

Final Decision : Dismissed

Judgement

V.S. Sirpurkar, J.—The Petitioner herein prays to quash the communication dated 30.9.99 informing him that he being part-time candidate,

he is not eligible for rank. The case of the petitioner is that he joined the course of M.B.A., in the academic year 1996-1997 to 1998-1999 in the

2nd respondent college. He attended all the classes for part-time course, appeared in the examination and passed it by obtaining 67.65% of marks

which was the top rank percentage for that course. He was informed by a letter dated 20.9.1999 that since he has got top rank in the university he

should submit a duly filled up application for getting his first rank certificate. He accordingly complied with the same. However, the university

realised that the letter was wrongly sent because no ranking could be given for MBA Part-time course and that was available only in respect of

full-time course. Therefore they revoked the letter and communicated the

petitioner by the impugned letter stating that no such certificate of rank could be given. He then made personal representations but to no effect. He has therefore approached this court.

2. The first respondent has filed a counter in which it is pointed out that there are two courses run by the University, one is MBA Full Time Course

which is for two years. However, the other one MBA Part-time course for which the petitioner herein appeared and passed is of three years,

meaning thereby the two students one joining the full-time course and the other joining the part-time course would not pass the MBA course in one

and the same year. While the student joining the full time course completes the course in two years, the student joining the part-time course will

have to complete the course one year after that. It is further pointed out in the counter that ranking is given only to the MBA Full-Time Course

candidates. It is also clarified in the counter that the petitioner cannot be given the ranking and more particularly a certificate because though he has

passed MBA and entitled to use the MBA Degree, it cannot be said that he has topped in the MBA Degree in the year in which he has passed the

course. Because while he has passed the course in three years, the other MBA students who are the full-time course students have passed it only

in two years. It is also pointed out that though the course is similar and degree is similar, the number of classes engaged for both the courses are

different. Therefore there is difference in the two degrees. Merely because the nomenclature for both the courses is common, the petitioner cannot

insist that he should be given rank certificate. The decision taken by the first respondent appears to be a correct decision.

3. Learned counsel for the petitioner submits that both the courses are one and the same and the subjects are also one and the same and therefore

it should be held that he has topped in the whole MBA Course. That is not possible as that will amount to equate the un-equals. Therefore, I am of

the opinion that the University has acted correctly. Further undoubtedly the university officials should have been alert and careful before issuing

letter to the petitioner intimating that he has secured first rank and is entitled a certificate to that effect. It is explained in the counter that the said first

letter sent to the petitioner was sent by way of error. I find no reason to reject the said statement. However, I see no merits in the writ petitions.

Hence it is dismissed. No costs.