

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 3RD DAY OF JUNE 2015/13TH JYAISHTA, 1937

WP(C).No. 14050 of 2015 (E)

PETITIONER(S):

**RENJITH JOSEPH, AGED 22 YEARS
S/O P.M. JOSEPH, MARANGOLIL, MANGALAM DAM
KARIMKAYAM P.O., PALAKKAD-678706.**

BY ADV. SRI.M.S.UNNIKRISHNAN

RESPONDENT(S):

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT
HIGHER EDUCATION (L) DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM, PIN:695001.**
- 2. DIRECTOR
TECHNICAL EDUCATION, THIRUVANANTHAPURAM, IN:695023.**
- 3. THE PRINCIPAL, ST. MARY'S POLYTECHNIC COLLEGE
VALLIYODE, MUDAPALLOOR P.O., PALAKKAD-678705.**

**R3 BY ADV. SRI.KURIAN GEORGE KANNANTHANAM (SR.)
R3 BY ADV. SRI.TONY GEORGE KANNANTHANAM
R3 BY ADV. SRI.THOMAS GEORGE
R1 & R2 BY GOVERNMENT PLEADER SRI. S.JAMAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

K.VINOD CHANDRAN, J.

W.P.(C).No.14050 of 2015

Dated this the 3rd day of June, 2015

JUDGMENT

The petitioner is aggrieved with the rejection of the condonation application filed by the petitioner as per Ext.P7. The petitioner admittedly is a 6th semester student, studying in the 3rd respondent, which is a Government aided college, under the 2nd respondent. The rules for condonation applicable to technical education is provided in paragraph 2,3,4 and 5 of Ext.P1 Government order.

2. It is specifically laid down that, the minimum percentage of attendance is 75% and if any student has attendance below that; up to 65% then, the same can be condoned. The rules indicate that at the first instance, in a course, the attendance shortage ranging between 65% to 75% can be condoned by the Principal and for the second time power has been conferred on the Director of Technical Education. A third instance for condonation has

to be moved before the Government. In such circumstances, there is no question of a fourth condonation and any student having attendance shortage will have to repeat the semester at the fourth instance of shortage of attendance occurring.

3. With respect to the petitioner, he is a student of the 6th Semester Diploma in Engineering. The petitioner had shortage of attendance in the 2nd semester more specifically, he had only 66.44%. As per the regulation, the Principal condoned the same and he appeared for the examination. Again in the 3rd semester, the petitioner had only 72% attendance which shortage was condoned by the Director of Technical Education. In the 4th semester, the petitioner had attendance only below 65% and he had to repeat the semester. In the 5th semester, the petitioner had only 65% attendance which as per the rules was condoned by the Government, being the third instance. The present shortage is the 4th instance in the course. The Government rightly declined the prayer for condonation by Ext.P7. In any event, the

examination for the 6th semester is over and the petitioner definitely would have to repeat the 6th semester.

In view of the specific rules regarding the condonation of attendance shortage, this Court is of the opinion that the writ petition is devoid of merit. The same is dismissed. No costs.

Sd/-
K.VINOD CHANDRAN
JUDGE

AD