

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 12.02.2015

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. Nos.30911 to 30913 of 2014 &  
M.P.Nos. 1 to 1 of 2014

S.Veerapathiran .. Petitioner in W.P.No.30911/14

S.Manivannan .. Petitioner in W.P.No.30912/14

G.Vinoth .. Petitioner in W.P.No.30913/14

Vs.

1.The Controller of Examination  
Anna University,  
Guindy, Chennai 600 025.

2.SMK Forma Institute of Technology  
rep. By its Principal  
Old Mahabalipuram Road (I.T.High way)  
Thaiyur, Near Kelambakkam,  
Chennai 603 103. ..Respondents in all W.Ps.

PRAYER : Petitions filed Under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the first respondent herein to issue hall tickets to the petitioners and permit the petitioners to write their examination (B.E.Civil Engg.) held on 26.11.2014.

For Petitioners : Mr.Y.Deva Arul Prakash

For Respondents : Mr.M.Vijayakumar-R1  
Addl.Govt. Pleader  
Mr.A.Arumugam - R2

COMMON ORDER

By consent of the learned counsel on either side, the writ petitions are taken up for final disposal.

2.Heard Mr.Y.Deva Arul Prakash , learned counsel appearing for the petitioners, Mr.M.Vijayakumar, learned Additional Government Pleader appearing for the first respondent and

Mr.A.Arumugam. Learned counsel appearing for the the second respondent.

3.The petitioners are students of the Second respondent College, pursuing their Engineering Course. The petitioners were allotted the second respondent College by counselling conducted by the Anna university. The issue involved in these Writ Petitions are as to whether the petitioners have sufficient attendance to write the examinations.

4.At the time when the writ petitions were entertained, interim direction was granted by this Court, on 26.11.2014, permitting the petitioners to write the examinations. That order was passed subject to the final outcome of the writ petitions.

5.The learned counsel for the second respondent submitted that the students lack attendance and the attendance secured by them was beyond the prescribed limit and in such contingency, the question of granting attendance does not arise.

6.The learned counsel for the first respondent relied upon the decision of this Court in W.P.No.20445 of 2014 dated 13.10.2014, wherein this Court rejected the similar prayer by quoting the law laid down in various decisions of this Court. At this stage, it is worthwhile to quote the relevant paragraph of the said Judgment:

"6.The fact that the University cannot condone the lack of attendance beyond a prescribed limit and the fact that the same has been upheld by the decisions of this Court in *Leo Francis Xaviour v. The Principal, Karunya Institute of Technology* [AIR 1993 Mad. 233], *C.Praveen Chander v. The Principal, Sri Venkateswara College of Engineering* [2006 WLR 176], *K.Saravanan v. Principal, Government Law College* [(2007) 4 MLJ 632], *P.Balamurugan v. The Government of Tamil Nadu* [W.P.No.10651 of 2008 dated 21.10.2008], *Senthil Manoharan V. The Principal, Hindustan College of Engineering* [W.P.No.10941 of 2008 dated 06.08.2009] and *K.Khayathri V. The Secretary to Government of Tamil Nadu* [W.P.No(MD) No.3588 of 2013 dated 0430.04.2013, are not in doubt. Therefore, there are no merits in the writ petition. Hence, it is dismissed. No costs."

7. In the light of the legal position, if the petitioners have not secured the required attendance, the question of exercising the power of condonation will not arise. The petitioners on the other hand would state that they are having attendance, but they are poor students and they are yet to pay certain fee arrears, the Management has reported to the University as if the petitioners lack attendance.

8. This contention raised by the petitioners is vehemently denied by the learned counsel for the second respondent College.

9. It is submitted by the learned counsel for the Management that the respondent University has not considered the documents placed by the Management and passed orders in respect of earlier cases and in these Writ Petitions, the respondent University may be directed to consider the documents placed by the College with regard to the Attendance details, verify the genuinity and pass orders on merits and in accordance with law.

10. In any event this disputed question cannot be agitated in the writ petition nor adjudicated by this Court. Be that as it may, the petitioners have submitted a representation dated 12.11.2014, before the first respondent University and so far no orders have been passed on the said representation.

11. In the light of the above, without going into the merits of the petitioners contentions, there will be a direction to the first respondent to consider the petitioners representation dated 12.11.2014 and after hearing the petitioners as well as the second respondent Institution, and consider the documents produced by the respondent Institution including the Attendance details, verify the genuinity and then pass appropriate orders on merits and in accordance with law, as expeditiously as possible, within a period of four weeks from the date of receipt of a copy of this order. The publication of results of the petitioners examination shall be subject to the orders to be passed by the first respondent.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

rpa

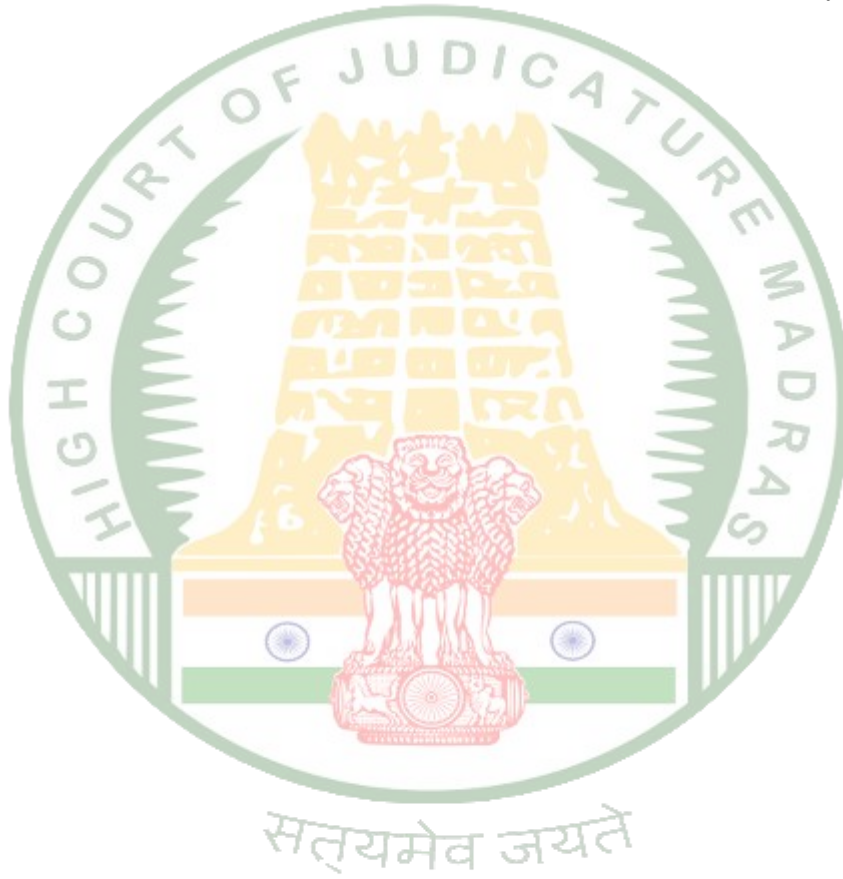
To

1.The Controller of Examination  
Anna University,  
Guindy, Chennai 600 025.

1 cc to Mr.A. Arumugam, Advocate, Sr. 7784

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30913 of 2014

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