

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2015

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.NOS.2375 TO 2381 OF 2015

and M.P.Nos.1 and 2 of 2015 (in each petition)

Jeyapaul	..	Petitioner in W.P.No.2375/2015
Vigneshkumar	..	Petitioner in W.P.No.2376/2015
Vetrivel	..	Petitioner in W.P.No.2377/2015
Dharmaraj	..	Petitioner in W.P.No.2378/2015
Arun Pandi	..	Petitioner in W.P.No.2379/2015
Robet	..	Petitioner in W.P.No.2380/2015
Saravanan	..	Petitioner in W.P.No.2381/2015

Versus

The Principal, Karpagam University, Echanari, Coimbatore.	..	Respondents in all the W.Ps
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Common PRAYER : Writ Petitions filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus directing the respondent to consider the petitioner's representation dated 27.01.2015 and to permit the petitioner to write the Semester Examinations which is going to be held on 07.02.2015.

For Petitioners in : Mr.S.Veeraraghavan
all the writ petitions for M/s.S.Ramesh

For Respondent in : Mr.S.Saravanan
all the writ petitions Standing Counsel

COMMON ORDER

In all the writ petitions, the petitioners are final year students of the respondent \ University, which is a deemed University, and pursuing engineering (B.E. Automobile and B.E. Mechanical Engineerings) Course. They filed these writ petitions praying for a direction to consider their representations and to permit them to write the Semester Examination.

2. The respondent University would state that the petitioners did not appear before the University seeking for permission to appear for the examination and all the petitioners lack the minimum attendance requirement. That apart, it is stated that at the instance of one Sathyanarayanan, who is also final year student of the respondent University, a case has been registered against the petitioners in Crime No.5 of 2015 on the file of the Madukarai Police Station for the offence under Sections 147, 148 324 and 506(ii) IPC.

3. It appears that the petitioners have also lodged complaint against the other person Sathyanarayanan and the same has been registered in Crime No.4 of 2015 for the offence under Sections 147, 148, 341, 323 and 307 IPC. Both the First Information Reports are said to be pending as on date. It is to be noted that the respondent University has not lodged any complaint. When the petitioners, who were arrayed as accused in Crime No.5/2015 were remanded for judicial custody, the said Sathyanarayanan is said to have given a statement before the Superintendent of Prison stating that under compulsion, he had given the complaint against the petitioners and he has no interest to pursue the complaint against the petitioners. This information was also furnished to the respondent University and the University by the letter dated 02.02.2015 addressed the Inspector of Police, Madukarai Police Station, requested the clarification as to whether the complaint against the petitioners has been withdrawn by the complainant Sathyanarayanan. Till date, the police has not responded to the University's letter dated 02.02.2015.

4. Be it as it may, now the respondent University has filed counter-affidavits in all the seven cases stating that the respondent University has not prevented the petitioners from writing the examination on the ground that a criminal case is pending against the petitioners, because of the incident which occurred outside the college campus. But the respondent would state that except two petitioners, the remaining five petitioners do not satisfy the attendance requirements. It is not clear as to whether the regulations of the respondent University provide for condoning of minimum requirement of attendance.

5. The name of the petitioners, year and course of study, the percentage of attendance secured by each of the petitioners as on 07.01.2015 and the number of arrears as on date, as per the tabulated statement given by the respondent, are reproduced below :

Sl . No .	Name of the Student	Year and Department	% of attendance (Present) as on 07.01.2015	No. of Arrears
1	Saravanan, P.	IV Yr. B.E. Automobile	80	1
2	Vetrivel, P.	IV Yr. B.E. Automobile	67	3
3	Dharmaraj, S.	IV Yr. B.E. Automobile	68	8
4	Arun Pandi, P.	IV Yr. B.E. Mechanical	41	21
5	Jeyapaul, G.	III Yr. B.E. Mechanical	29	18
6	Robert, F.	IV Yr. B.E. Automobile	67	29
7	Vignesh Kumar, B.	II MBA	78	Nil

6. From the above tabulated statement, it is seen that the petitioners P.Saravnan (Sl.No.1) and B.Vignesh Kumar, (Sl.No.7) satisfy the attendance requirement of minimum 75% and therefore, there should not be any difficulty in permitting them to appear for the examination.

7. However, learned Standing Counsel for the respondent/University would state that this percentage of attendance is as on 07.01.2015. But as on date, they might be lacking in attendance percentage. This Court is of the view that in the light of the criminal case, which was registered, the petitioners were prevented from attending the college. Therefore, for all purpose the attendance percentage as on 07.01.2015 shall be taken into consideration.

8. Accordingly, P.Saravanan and B.Vignesh Kumar, may be permitted to appear for the examination including one arrear examination for P.Saravanan.

9. In respect of the other petitioners, P.Arun Pandi and G.Jeyapual have very poor attendance. Apart from that both of them have 21 and 18 arrears respectively. So far as, Robert is concerned, he has 67 percentage of attendance and he has got 29 arrears. Similarly, in the case P.Vetrivel, he has got 67 percentage of attendance and has got 3 arrears and S.Dharmaraj has got 68 percentage of attendance and 8 arrears.

10. In the light of the above facts, these writ petitions are disposed of with the following directions :

- (1) The respondent University shall permit P.Saravanan and B.Vignesh Kumar to appear for the examination including arrear examination;
- (2) Insofar as the petitioners P.Vetrivel, S.Dharmaraj, and F.Robert, they are directed to submit a representation to the respondent University and if the regulations of the respondent University provide for condonation of the minimum attendance required and if they fall within the condonable limit, the respondent University may condone the minimum requirement of attendance, as per their regulations and permit them to appear for the examination. If they do not satisfy the requirement of the regulation of the respondent University, then necessarily they have to appear for the next examination.
- (3) Insofar as the petitioners G.Jeyapaul and P.Arun Pandi, the attendance percentage secured by them is very poor and therefore, no relief can be granted for those two petitioners and the writ petitions filed by them are liable to be dismissed.

11. With the above directions, W.P.Nos.2376 to 2378, 2380 and 2381 are disposed of. W.P.Nos.2375 and 2379 of 2015 are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

The Principal,
Karpagam University,
Echanari, Coimbatore.

7 ccs to M/s.S. Saravanan, Advocate, sr. 6745

7 ccs to Mr.S. Ramesh, Sr. 6835 to 6841

W.P.NOs.2375 to 2381 OF 2015

AD (CO)

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