

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.02.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.3434 OF 2015

J.Bala Vignesh

... Petitioner

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

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of mandamus to direct the first respondent herein to consider the petitioner's representation dated on 12.11.2014 and pass orders as early as possible in accordance with law.

For Petitioner : Mr.N.Elumalai

For Respondent : Mr.M.Vijayakumar
Standing Counsel

O R D E R

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

2.Heard Mr.N.Elumalai, learned counsel appearing for the petitioner and Mr.M.Vijaya Kumar, learned standing counsel appearing for the first respondent.

3.The petitioner is the student of the Second respondent College, pursuing his Engineering Course. The petitioner was allotted the second respondent College by counselling conducted by

the Anna university. The issue involved in this Writ Petition is as to whether the petitioner has sufficient attendance to write the examinations.

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

5.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 petitioner has not secured the required attendance, the question of exercising the power of condonation will not arise. The petitioner, on the other hand, would state that he is having attendance, but he is a poor student and he is yet to pay certain fee arrears, the Management has reported to the University as if the petitioner lack attendance.

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

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

10.In the light of the above, without going into the merits of the petitioner's contentions, there will be a direction to the first respondent to consider the petitioner's representation dated

12.11.2014 and after hearing the petitioner as well as the second respondent Institution, shall 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 petitioner's examination shall be subject to the orders to be passed by the first respondent.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

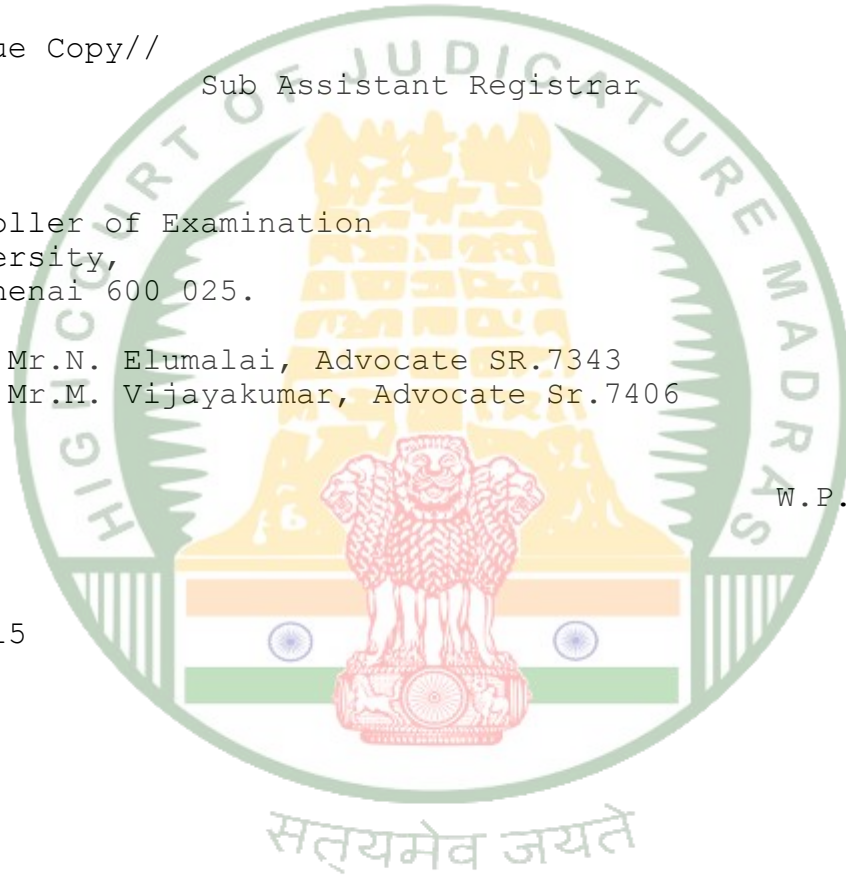
gpa
To

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

+ 1 cc to Mr.N. Elumalai, Advocate SR.7343
+ 1 cc to Mr.M. Vijayakumar, Advocate Sr.7406

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BR(CO)
Eu 13.02.15



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