

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.11.2015

CORAM

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

W.P. No. 35598 of 2015

T. Rajeshwaran

..Petitioner

Vs.

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

2. The Principal,
Valliammal Engineering College,
(A member of SRM Group of
Institutions),
SRM Nagar,
Kattankulathur - 603 203.
Kancheepuram District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the respondents to permit the petitioner to write the examination for the year of November/December, 2015.

For Petitioner :: Mr.S.Ilamvaludhi

For Respondents :: Mr.L.P. Shanmugasundaram
Senior Counsel for R1

O R D E R
सत्यमेव जयते

This writ petition is filed for issue of a Writ of Mandamus directing the respondents to permit the petitioner to write the examination for the year of November/December, 2015.

2. The petitioner joined B.E. Course in the 2nd respondent College in 2013 and he is doing his 5th semester at present. The

grievance of the petitioner is that for the 5th semester examination, he has not been issued with Hall Ticket on the ground of lack of attendance.

3. Heard the learned counsel on either side.

4. As per clause 6.1 of the Regulations of Anna University, every student is expected to attend all classes and secure 100% attendance. However, in order to give provision for certain unavoidable reasons such as medical/participation in sports/personal, a student is expected to attend at least 75% of the classes during any semester commencing from the 1st semester. Further, as per the Regulations, if a candidate secures overall attendance between 65% and 74% in the current semester due to medical reasons (prolonged hospitalization/accident/specific illness/participation in sports events/, he/she may be permitted to appear for the current semester examination subject to the condition that the candidate shall submit the medical certificate attested by the Head of the Institution, which shall be forwarded to the Controller of Examinations, Anna University. Therefore, it is clear that the minimum requisite attendance, which is mandatory for the said Course is 75% and there can be condonation of maximum of 10% lack of attendance on medical grounds. Moreover, as per the Regulations, candidates, who secure less than 65% of overall attendance shall not be permitted to write the University Examination at the end of the semester and they are not permitted to go to the next semester. The petitioner, in the case on hand, has secured 54% attendance and therefore, he was not issued with Hall Ticket being woefully short of attendance. As a last resort, he has knocked the doors of this Court.

5. Law is quite settled that this Court can neither take the role of an academician nor act like an Appellate Authority. The said view taken by this Court, repeatedly, has also been upheld by the Honourable Apex Court and it would not be out of place to refer to the following judgments of this Court, which govern the issue in question:

- (i) L. James Vincent V. Controller of Examinations and others (W.P. No. 20445 of 2014, Order dated 13.10.2014)
- (ii) Leo Francis Xaviour V. The Principal, Karunya Institute of Technology (AIR 1993 MAD. 233)
- (iii) C. Praveen Chander V. The Principal, Sri Venkateswara

College of Engineering (2006 WLR 176)

(iv) K. Saravanan V. Principal, Government Law College ((2007) 4 MLJ 632)

(v) P. Balamurugan V. The Government of Tamil Nadu (W.P. No. 10651 of 2008 dated 21.10.2008)

(vi) Senthil Manoharan V. The Principal, Hindustan College of Engineering (W.P. No. 10941 of 2008 dated 06.08.2009)

(vii) K. Khayathri V. The Secretary to Government of Tamil Nadu (W.P.(MD) No. 3588 of 2013 dated 03.04.2013)

Even assuming, for argument sake, that the medical certificate of the petitioner is accepted, still, he is well short of the minimum requisite attendance. Therefore, this Court is unable to come to the aid of the petitioner.

6. At this juncture, learned counsel for the petitioner submitted that if the petitioner is not permitted to write the 5th semester examination, he would lose one year and therefore, the 1st respondent may be directed, in the peculiar facts and circumstances of the case, to permit the institution to have special classes while issuing Hall Tickets for writing the examination.

7. This is a matter, which has to be considered only by the 1st respondent. Therefore, without expressing any opinion on the merits of the case, the writ petition is disposed of observing that it is open to the 1st respondent to consider the case of the petitioner and take an appropriate decision in this regard. No costs.

Sd/-

Assistant Registrar(CS-II)

True Copy

Sub Assistant Registrar

To

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

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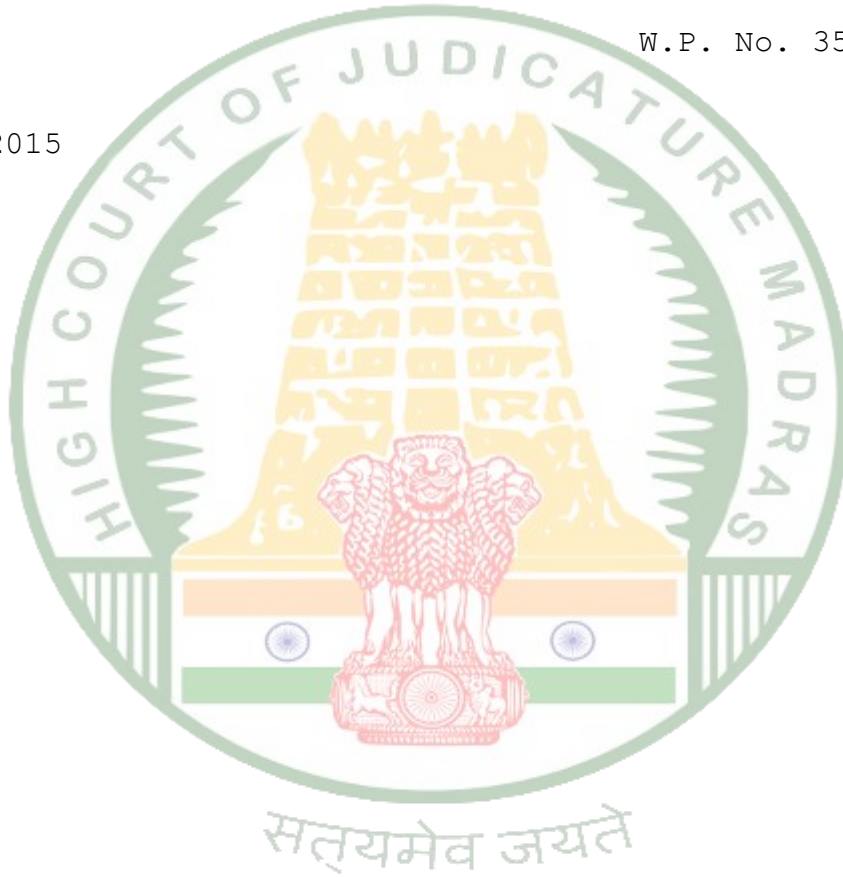
2. The Principal,
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SRM Nagar,
Kattankulathur - 603 203.
Kancheepuram District.

+1cc to Mr.L.R.Shanmugasundaram, Advocate Sr.61063

+1cc to Mr.S.Ilamvaludhi, Advocate Sr.60894

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srg 5/11/2015



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