

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S. SIVAGNANAM

W.P.No.7187 of 2015

and

M.P.No.1 of 2015

M.Abinaya

... Petitioner

vs.

- 1.The Commissioner,
Directorate of Technical Education (DTE),
Sardar Patel Road, Guindy,
Chennai-600 025.
 - 2.The Director,
Center for Academic Courses,
Anna University,
Chennai-25.
 - 3.The Principal,
KLN College of Engineering,
Pottapalayam-630 612
Sivagangai District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue Writ of Mandamus directing the respondents to permit the petitioner to join the 8th semester in BE Electronics and Communication Engineering in the academic year 2014-2015 in the 3rd respondent College.

For Petitioner : Mr.J.Antony Jesus

For Respondents : Mr.S.Gunasekaran
Govt. Advocate for R1
Mr.M.Vijayakumar for R2
Mr.T.R.Subramanian for R3

ORDER

Heard Mr.S.Gunasekaran, learned Government Advocate for the 1st respondent and Mr.M.Vijayakumar, learned counsel for the 2nd respondent and Mr.T.R.Subramanian, learned counsel for the 3rd respondent.

2. The petitioner seeks for a direction upon the respondents to permit her to join the 8th semester in B.E. Electronics and Communication Engineering Course in the 3rd respondent College for the academic year 2014-2015.

3. The petitioner completed her 12th standard examination and had joined in the 3rd respondent College for B.E. Course during the academic session 2008-2009. The petitioner was secured admission in the 3rd respondent College, through counselling conducted by the Anna University. The petitioner successfully completed seven semesters and was attending the College till November, 2011 and she had no arrears and she had also maintained excellent Cumulative Grade Point Average [CGPA] for the entire course by securing 7.897 out of 10. Marriage was arranged to the petitioner in the year 2011 and though at the time of marriage, her husband agreed to allow the petitioner to complete the course, subsequently, she was not permitted to continue the 8th semester. Therefore, she had to discontinue the Course and was living along with her husband. Out of their wedlock, a girl child was born on 21.09.2012. It appears that there occurred a difference of opinion between the petitioner and her husband and she is no longer living with her husband and now she is living with her parents from 12.02.2015. The petitioner is now desirous to pursue her Course further and therefore, requested the 3rd respondent College to permit her to join in the 8th semester.

4. From the counter-affidavit filed by the 3rd respondent College, it is seen that the petitioner has submitted a representation on 06.03.2015 for re-admission to attend the 8th semester classes for the academic session 2014-2015. Since the petitioner has made the representation beyond the time limit prescribed by the 1st respondent as well as the 2nd respondent and that the petitioner has got only 10% of the attendance during her 8th semester in the academic session 2011-2012, the petitioner's representation could not be considered. Therefore, the petitioner has moved this Court by way of this writ petition.

5. From the written instructions given by the 1st respondent to the learned Government Advocate, it is seen that the application for re-admission was not received by the 1st respondent within the time permitted for re-admission i.e. on or before 30.11.2014 and if the petitioner's application was well within that time, she could have been admitted in the 8th semester, however, her request for admission itself to the 3rd respondent College was in March, 2015 well after the cut off date. Therefore, the 1st respondent was fully justified in taking the stand that re-admission cannot be permitted beyond the time limit. Under such circumstances, the petitioner could have been directed to file fresh application for November, 2015 seeking re-admission in the 8th semester, so as to enable her to pursue the Course thereafter. This cannot be done in the case of the petitioner since by then the petitioner would be ineligible for re-admission on account of the stand taken by the 3rd respondent College as the period of break of study is beyond the norms fixed by the respondents 1 and 2. Therefore, the last chance for the petitioner to have a re-admission in the 8th semester stood expired in November 2015.

6. The petitioner, who is present in Court is fully aware of the situation and has also accepted the factual and legal position. But she would plead that opportunity should be granted to her on account of peculiar situation she is pushed to. Since, the petitioner is having a minor girl child, her education is very vital enabling her to look after her child and to sustain herself independently, as she is now living with her parents and separated from her husband. However, this issue is to be considered by the respondents 1 and 2 and if there is any possibility of considering the petitioner's case as a special case, then the respondents 1 and 2 may do so. However, in the event, the respondents 1 and 2 exercise their discretion in favour of the petitioner and permit her to be admitted in the 8th semester by construing her application to be within the cut off date, yet the petitioner is not entitled to pursue her Course since there is lack of attendance and even during the academic sessions 2011-2012, she had only 10% of attendance which is well beyond the condonation of limitation. When this issue is pointed out to the petitioner, who is present in Court, she is fully agreed the factual situation and she is aware of the fact that even assuming that if the respondents 1 and 2 agreed to admit her in the 8th semester by condoning the delay, she would not be entitled to sit for the examination or seek for continuing the Course.

7. In the light of the above, there will be a direction to the petitioner to submit a representation along with the copy of this order to the respondents 1 and 2 requesting her case to be treated as a special case and request for condonation of delay and seek for re-admission in the 8th semester by treating her as a candidate eligible for re-admission in November, 2015 with an undertaking that she will undergo the Course during the next academic session. If such a request is made by the petitioner, the respondents 1 and 2 shall consider the same on merits and in accordance with law without the same being treated as a precedent. Necessary orders in this regard is to be passed within a period of three weeks from the date on which the representation is received from the petitioner.

8. With the above observations and directions, the writ petition is disposed of. No costs. Consequently, M.P.No.1 of 2015 is closed.

Sd/-
Assistant Registrar
Dated:31.3.15

True Copy

Sub Assistant Registrar

To

- 1.The Commissioner,
Directorate of Technical Education (DTE),
Sardar Patel Road, Guindy,
Chennai-600 025.
- 2.The Director,
Center for Academic Courses,
Anna University,
Chennai-25.
- 3.The Principal,
KLN College of Engineering,
Pottapalayam-630 612
Sivagangai District.

+1 cc to Government Pleader,SR.17010

+1 cc to M/s.J.Antony Jesus, Advocate,SR.16873

+2 cc's to Mr.T.R.Subramanian, Advocate,SR.16855.

+1 cc to Mr.M.Vijayakumar, Advocate,SR.16814.

skv(co)
krd 31/3

W.P.No.7187 of 2015

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