



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.02.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

WEB COPY

Writ Petition (MD) No.15863 of 2014

Praveen Kumar

...

Petitioner

Vs.

1.The Commissioner of Technical Education,
Directorate of Technical Education,
Guindy.

2.The Principal,
Vickram Polytechnic College,
Srinivasa Gardens,
Enathi,
Sivagangai District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to permit the petitioner to complete the course of Diploma in Mechanical Engineering by allowing the petitioner to sit for the 6th semester examination which is scheduled in the March 2015.

For Petitioner : Mr.L.Madhusudhanan

For 1st Respondent : Mr.R.Anandaraj
Government Advocate.

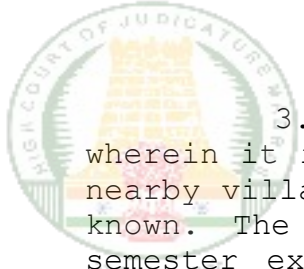
For 2nd Respondent : Mr.D.Saravanan

ORDER

The petitioner seeks for a Mandamus directing the second respondent to permit him to complete the course of Diploma in Mechanical Engineering by allowing him to sit for the 6th semester examination which is scheduled to be held in the month of March 2015.

2.The case of the petitioner is as follows:-

He joined the second respondent institution in the academic year 2009-2012 in Diploma in Mechanical Engineering. He has successfully completed 5 semesters and also attended the sixth semester. He has fallen in love and infatuation with one girl not connected with the second respondent institution. Due to the said fact, the second respondent institution denied permission to attend the college. Therefore, the petitioner could not write 6th semester examination. He gave a complaint to the higher officers and his complaint was forwarded to the first respondent who in turn issued communication to the second on 04.08.2014. However, no progress was made. Therefore, the present writ petition has been filed for the relief as stated *supra*.



3.A counter affidavit has been filed by the second respondent wherein it is stated that the petitioner eloped with an elderly lady in a nearby village and consequently he absconded and his whereabouts were not known. The petitioner did not have sufficient attendance for the 6th semester examination. He kept quite for three years and now filed the present writ petition. It is not possible for the second respondent college to permit the petitioner to write the examination due to lack of attendance.

4.Heard the learned counsel on either side and perused the materials placed before this Court.

5.It is seen that the petitioner who got admission to the Diploma in Mechanical Engineering Course and completed five semesters, could not complete the 6th semester due to his love affair with a girl in the neighboring village. This Court is not inclined to go into the conduct of the petitioner and give a finding as to whether the petitioner is justified in his absence in the college due to such affair. Needless to state that a person who goes to the college has to complete the course with required attendance and if there is any default, he has to seek for condonation of the same before the authorities concerned at the relevant point of time. In this case, the petitioner has not taken any steps to approach the first respondent seeking for condonation of delay in writing the 6th semester examination then and there. Therefore, it is clear that the petitioner has to redo the sixth semester either in the second respondent college or in any other college, if the first respondent permits him to do so.

6.Accordingly, this writ petition is disposed of only with liberty to the petitioner to make a representation to the first respondent seeking permission to redo the sixth semester either in the second respondent college or any other college and such representation shall be made by the petitioner within two weeks from today. If such representation is made, it is for the first respondent to consider and decide the same on merits and in accordance with law, within six weeks thereafter. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writ)

\\True copy\\

Sub Assistant Registrar

To
The Commissioner of Technical Education,
Directorate of Technical Education,
Guindy, Chennai

+1 CC TO M/S.C.MADHUSUDHANAN, ADVOCATE SR.NO.6177
+1 CC TO M/S.D.SARAVANAN, ADVOCATE SR.NO.5837
+1 CC TO THE SPL.GOV.T.PLEADER SR.NO.6017

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