



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE **K.RAVICHANDRABAABU**

W.P. (MD) No.1870 of 2015

and

M.P.No.1 of 2015

H.R.Thoulath Hanan

: Petitioner

Vs.

1.The Holy Cross College,
Represented by the Principal,
Nagercoil, Kanyakumari District 629 004.

2.Manonmaniam Sundaranar University,
Represented by the Registrar,
Abishekapatti, Tirunelveli 627 012.

: Respondents

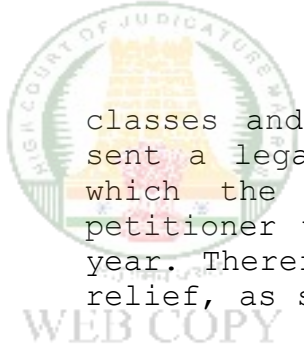
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus directing the respondents to allow the petitioner to continue the 6th semester and complete B.A., English Degree Course in the respondent college and issue necessary certificates.

For Petitioner : Mr.N.Dilipkumar
For Respondent No.1 : Mr.S.C.Herold Singh
For Respondent No.2 : Mr.E.Mareeskumar
For M/s.Ajmal Associates

O R D E R

This Writ Petition has been filed seeking for the issue of a Writ of Mandamus directing the respondents to allow the petitioner to continue the 6th semester and complete B.A., English Degree Course in the respondent college and issue necessary certificates.

2. The case of the petitioner is that she belongs to Muslim Backward Class Community. The first respondent institution is an autonomous college, affiliated with the second respondent University. The petitioner joined B.A., Degree Course in the first respondent college for the academic year 2011 - 2012. The course has three years duration. She passed the fifth semester examination, without any arrears and scored good marks. When she was undergoing sixth and final semester, she had fallen in love with one A.L.Ajas and she married him on 27.11.2014. It is an inter-religious marriage and was not to the liking of their parents. The first respondent college declined to allow her to continue her studies, in view of her marriage, during the middle of the academic year. The family members of the husband of the petitioner have now accepted their marriage. The petitioner is presently living in her matrimonial home. On 04.12.2014, the petitioner went to the first respondent college. However, the first respondent college declined to allow her to attend the



classes and she was forcibly driven out of the college. The petitioner sent a legal notice to the first respondent college on 23.01.2015, for which the first respondent college sent a reply stating that the petitioner will be allowed to continue her studies in the next academic year. Therefore, the present Writ Petition has been filed seeking for the relief, as stated supra.

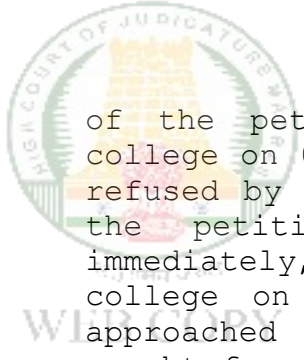
3. The first respondent college filed a counter affidavit, wherein it is stated that a student, who does not possess 75% of attendance, will not be permitted to sit for the examination. There is also a provision to condone the absence. The provision would categorically stipulate that a candidate must earn 75% of attendance per semester to take the semester examination and the candidates, who have less than 75% of attendance, but above 65% of attendance, shall make a written request to condone the absence to the Principal one week prior to the last working day of semester. The said provision would also categorically say that the students having attendance of less than 65% should redo the missed semester and then continue the remaining semester. The class to the sixth semester starts from 24.11.2014 and the same will come to end on 07.04.2015. The sixth semester consists of 90 days attendance. The petitioner had not taken any steps to pay the prescribed fees to the sixth semester, till date and she also failed to attend the classes for the sixth semester from the beginning. On 04.12.2014, the petitioner came to the college, along with one person and informed that she got married him and therefore, she was not in a position to attend the classes. She also informed that she is under life threat, because of her love marriage. The request of the petitioner was accepted and she was permitted to redo the course during the next academic year.

4. The learned counsel appearing for the petitioner submitted that the absence of the petitioner in the sixth semester was only due to her marriage and therefore, her absence has to be condoned and the petitioner must be permitted to write the sixth semester examination. He further submitted that the first respondent college refused to allow the petitioner to attend the classes, when she approached the first respondent college on 04.12.2014. Therefore, it is contended by the learned counsel for the petitioner that there is no fault on the part of the petitioner in not attending the classes.

5. Per contra, the learned counsel appearing for the first respondent college submitted that 70% of attendance is required to permit the petitioner to write the examination and only 5% of absence can be condoned. The learned counsel, thus, submitted that the petitioner, having not attended the classes and possessed the required percentage of attendance, is not entitled to the relief sought for.

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

7. It is seen that the petitioner, who is a student of the first respondent college in B.A., English Literature, completed the fifth semester and when the sixth semester commences, she got married one A. L. Ajas on 27.11.2014. According to the petitioner, the said marriage is an inter-religious marriage and therefore, it was not to the liking of their parents and consequently, she had a life threat. The specific case



of the petitioner is that when she approached the first respondent college on 04.12.2014 and sought permission to attend the classes, it was refused by the first respondent college. I fail to understand as to why the petitioner has kept quiet, without approaching this Court immediately, if really there was a refusal of the first respondent college on 04.12.2014 itself. On the other hand, the petitioner has approached this Court only at the fag end of the sixth semester and sought for permission to attend the classes and to write the examination. As rightly pointed out by the learned counsel for the first respondent college, the petitioner has not attended the sixth semester from the beginning and therefore, even if she is permitted to attend the classes from today, she will not possess sufficient number of attendance. It is not in dispute that the sixth semester began on 24.11.2014 and it is going to come to an end on 07.04.2015. Therefore, within this 40 days, the petitioner cannot possess the required attendance of 70% or at least 65%. Accordingly, I find that the petitioner cannot be granted any relief as sought for in the Writ Petition. However, I am of the view that the petitioner should be permitted to redo the sixth semester at the first respondent college in the coming academic year. The Writ Petition is, thus, disposed of with the observation that the first respondent college shall permit the petitioner to redo the sixth semester in the coming academic year, without any hindrance. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

/True copy/

sub Assistant Registrar

NB

To

The Registrar,

Manonmaniam Sundaranar University,

Abishekapatti, Tirunelveli 627 012.

+1cc to M/S.AJMAL ASSOCIATES, ADVOCATE IN SR NO. 9539

+1cc to MR.S.C.HEROLD SINGH, ADVOCATE IN SR NO. 9360

+1cc to MR.N.DILIP KUMAR, ADVOCATE IN SR NO. 9701

ORDER MADE IN

W.P. (MD) No.1870 of 2015

DATED - 27.02.2015

rg.05.03.2015

3p.5c.