

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2016

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.11524 of 2016

Sam Moses

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Department of Technical Education,
Chennai-600 025.

2.The Principal,
Central Polytechnic College,
Tharamani,
Chennai-600 113.

.. Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus to direct the second respondent herein to consider the petitioner's representation dated 23.3.2016 and consequently, direct the second respondent to permit the petitioner to attend the 2nd semester examination.

For Petitioner: No appearance

For Respondents: Mr.R.Ravichandran, AGP for RR1 and 2

ORDER

There is no representation on behalf of the petitioner when the matter was called, today. Heard the learned counsel appearing on behalf of the respondents.

2 This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus to direct the second respondent to consider the representation of the petitioner, dated 23.3.2016, and to consequently, direct the second respondent to permit the petitioner to attend the second semester examination, scheduled to be held on 5.4.2016.

3 The petitioner, in his representation, dated 23.3.2016, had stated that due to heavy floods in the area, in which he is residing and due to the fact that the father of the petitioner had suffered a heart attack and had to undergo a bypass surgery,

the petitioner could not attend the classes. He had further stated that he is prepared to pay the fine amount, necessary for permitting the petitioner to take part in the second semester examination, scheduled to be held on 5.4.2016.

4 At this stage of the hearing of the writ petition, the learned counsel appearing on behalf of the respondents had placed before this Court a communication issued by the second respondent, dated 28.3.2016. The said communication reads as follows :

"With reference to the letter dated 23.3.2016, this is to inform that U.Sam Moses, I year student studying II semester Marine Engineering has 71% of attendance. To appear for examination as per clause 3.2 of Board of studies and examination 80% attendance is required. Hence he is not eligible to appear for Board / Autonomous examination.

The attendance has been verified by the candidate in the presence of his uncle who is also a lawyer and faculty of II semester Examination. Hence there is no change in the attendance of 71%. The candidate can be entertained for genuine reasons for the condonance of 5% attendance only, where as he is lacking 9% attendance.

No classes were conducted during the floods in Chennai. The Institution declared holiday as per the Government Instructions during the entire flood period. Hence candidate could not get required attendance because of floods.

The Directorate of Technical Education does not have a system of collecting fine amount for attendance shortage and to permit for exam.

The candidate can apply for re-admission of II semester in the immediate academic year 2016-2017."

5 In view of the averments made in the communication issued by the second respondent, dated 28.3.2016, this Court is of the considered view that the relief prayed for by the petitioner, in the present writ petition, cannot be granted, at this stage. The petitioner had fallen short of the required attendance of 80%, to be permitted to write the second semester examination. Hence, he would not be entitled to write the second

semester examination of Marine Engineering course. Further, the second semester examination for the said course had already been held, on 5.4.2016. Hence the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1.The State of Tamil Nadu,
Department of Technical Education,
Chennai-600 025.
- 2.The Principal,
Central Polytechnic College,
Tharamani, Chennai-113.

+1cc to the Government Pleader Sr.36670

W.P.No.11524 of 2016

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srg 22/07/2016

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