

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

W.P.No. 1333 of 2016

and

WMP Nos.1096, 17612 and 17613 of 2016

S.Sivakumar

.. Petitioner

Versus

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

2.Mc.GAN'S Ooty School of Architecture,
2/365, Perar,
Kothagiri Road, Mynala Post,
Ooty, Nilgiris 643 002.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to allow the petitioner to write his third semester B.Arch Exams 2015-16.

For Petitioner	:	Ms. R. Anitha for M/s.S.Ramasamy Law Asso.
For R1	:	Mr.M.Vijakumar, Standing Counsel
For R2	:	Mr.R.Gopinath

ORDER

This Writ Petition has been filed seeking for issuance of a writ of Mandamus directing the first respondent to permit the petitioner to write his Third Semester B.Arch Exams 2015-16 scheduled to commence on 24.10.2016.

2. According to the petitioner, he was seriously ill and was suffering from Viral Hepatitis Fever and Bilateral hearing loss, for which he had to take treatment regularly. As a result, he could not secure requisite attendance for writing examination. However, the second respondent/college conducted 200 hours of special classes from 28.10.2015 to 30.11.2015. The petitioner attended such special classes and covered more number of attendance than the required one. The petitioner

also attended the jury session prior to attending the examination. The respondents, having permitted the petitioner to attend the jury session, refused permission to him to write the III semester examination. Therefore, he pray this Court to permit him to write the Third Semester Examination.

3. The learned counsel for the petitioner would contend that pursuant to the order of this Court made in W.P.No.11767 of 2016, the petitioner has already written IV Semester Examination. According to the counsel for the petitioner, he has attended classes for IV Semester and he has secured 89% of attendance. In view of the special classes attended during the months of October and November, 2015 for the Third Semester, the petitioner has got 74% of attendance which is more than that of the required 65%. In that view of the matter, the learned counsel would submit that if the petitioner is not permitted to write the III Semester Examination, he would lose one year unnecessarily and therefore, she prays to permit the petitioner to write the Third Semester Examination. Further, the learned counsel would contend that though the petitioner is continuing the V Semester examination, he has to re-do the IV semester exams in B.Arch because 89% of attendance is not accepted by Anna University, Chennai. In such circumstances, the learned counsel for the petitioner prayed this Court to permit the petitioner to write the entire examination for the third semester including practical exam from 24.10.2016.

4. The learned counsel for the respondent has filed a counter affidavit in which it is stated that as per clause 6.3 of the Regulations of the University whatever may be the reasons for the sickness, the student, who secured less than prescribed level of attendance i.e. (65% attendance under medical grounds) shall not be permitted to write his semester examination. It is further stated that certain colleges have conducted special classes to cope up with the attendance to the level of the norms prescribed in the regulation. However, no student shall be permitted to write his examination, if he/she secures less than 65% in case of medical grounds and 75% in the normal course. According to clause 6.3 of the Regulations of the University, a candidate who secures overall attendance between 65% and 74%, due to medical reasons may be permitted to appear for the current semester examinations subject to the condition that the candidate shall submit the medical certificate attested by the Head of the Institution. If it is produced, the same shall be forwarded to the Controller of Examinations, Anna University for record purposes. But the candidates who secured less than 65% of overall attendance shall not be permitted to write the University examination at the end of the semester and not permitted to go to the next semester. They are required to repeat the incomplete semester in the next academic year, as per the norms prescribed. The petitioner has secured only 54% of

attendance in the 3rd semester i.e., below the required attendance of 65% hence, he is not entitled to write the third semester examination.

5. Heard both sides. It is a pathetic case where the petitioner, due to his medical ailment, could not secure the requisite attendance. It is brought to the notice of this Court that out of six students who were lacking attendance four students were permitted to write the examination after getting a report from the concerned College by the University. Whereas in the case of the petitioner, after attending the special classes, he had secured only 74% of attendance. If the special classes attended by the petitioner are taken into consideration, he would satisfy the requirement of attendance. No doubt, the petitioner has already completed four semesters. He is also ready to re-do the IVth Semester. For re-doing the IV semester, he must necessarily write the third semester examination. As far as third semester is concerned, the petitioner has secured 74% of attendance which is definitely more than the requisite attendance.

6. Taking into consideration the certificate issued to the authority concerned and the petitioner has completed the IV semester, the petitioner can be permitted to write all the examinations in the III Semester. This Court also takes note of the fact that the petitioner is willing to re-do all the examination including practical examination which will commence from 24.10.2016 for the third semester and he will also re-do the IV semester. Therefore, a direction is hereby issued to the first respondent/University to accept the delay in payment of fees and permit the petitioner to write the III semester examination of B.E. Arch.

7. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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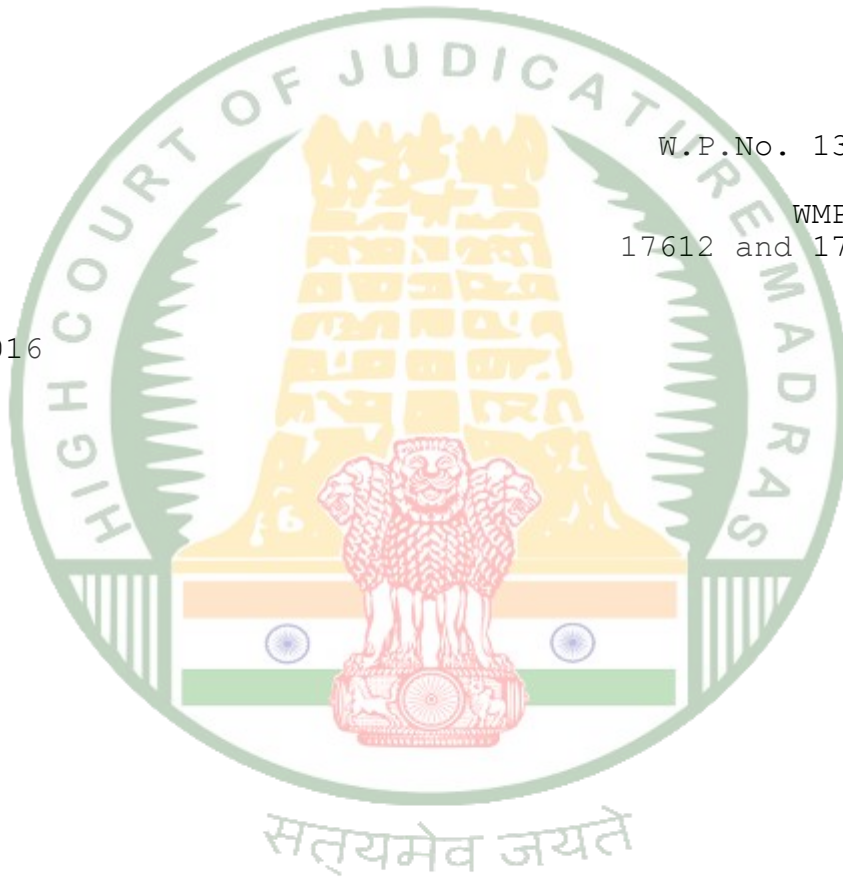
To

The Controller of Examination,
Anna University, Guindy,
Chennai 600 025

+2 ccs to Mr.R.Anitha Advocate sr 59348
59155
+2 ccs to Mr.R.Gopinath Advocate sr 59097
+1 cc to M/s.M.Vijayakumar Advocate sr 59044

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