



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2016

CORAM:

THE HON'BLE MR. JUSTICE T.S.SIVAGNANAM

AND

THE HON'BLE MR. JUSTICE P.N.PRAKASH

Writ Appeal (MD)No.867 of 2016

and

C.M.P. (MD)No.5174 of 2016

1.The Registrar

Mother Theresa Women's University
Autuvampatti, Kodaikanal

2.The Controller of Examination

Mother Theresa Women's University
Autuvampatti, Kodaikanal

3.The Principal

Mother Theresa Women's University
Autuvampatti, Kodaikanal

... Appellants

vs.

1.D.Priyanga

2.The District Collector

Dindigul District
Dindigul

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the interim order, dated 27.04.2016 in W.P.(MD) No.8256 of 2016, on the file of this Court.

Prayer in WP(MD)No.8256/2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS directing the respondents 2 to 4 to allow the petitioner to write the 3rd semester examination which is to be held from 02.05.2016 to 07.05.2016.

For Appellants : Mr.B.Pugalendhi

For Respondents : Mrs.Porkodi Karnan for R1`
Mr.J.Gunaseelan Muthiah
Govt. Advocate for R2

J U D G M E N T

(Judgment of the Court was delivered by **T.S.SIVAGNANAM,J.**)

This writ appeal is directed as against an interim order passed in a writ petition. In terms of the Judgment passed by the Division Bench of this Court in **W.A. (MD) No.466 of 2015, dated 14.05.2015 (The Anna University vs. Narayanaguru International Institute of Science & Technology)**, this writ appeal is not maintainable.



2. The learned counsel for the appellant University submits that under identical circumstance, the writ Court has dismissed the writ petition in W.P.(MD) No.4502 of 2016, on 09.03.2016. Further, it is submitted that the directions issued to permit the students to appear for the examination is contrary to the rules and regulations of the appellant University, especially Rule 2(b), which is extracted hereunder:

"b. Students who have below 65% of attendance are not eligible to appear for the examination. They shall re-do the semester(s) after completion of the programme."

3. In the light of the above, this writ appeal has to be held not maintainable and the same is closed permitting the appellant University to move the writ Court for necessary relief.

4. At this juncture, the learned counsel for the appellant University submitted that the directions issued by the writ Court would affect the University and its administration as there are several other candidates similarly placed.

5. Since we are rejecting the writ appeal as not maintainable, it will be open to the appellant University to permit the first respondent to appear for the remaining three examinations and this will be subject to the orders to be passed in the writ petition and this observation shall not be cited as a precedent by any other students of the appellant University. No cost. Consequently, connected civil miscellaneous petition is closed.

Sd/
Assistant Registrar(ae)

/TRUE COPY/

Sub Assistant Registrar(C.S)
Madurai Bench of Madras High Court,
Madurai.

To:
The District Collector,
Dindigul District,
Dindigul.

+1cc to M/S.Porkodikarnan, Advocate in SR.No. 25858
+1cc to M/S.B.Pugalendhi, Advocate in SR.No.26012

Writ Appeal (MD)No.867 of 2016
and
C.M.P. (MD)No.5174 of 2016
04.05.2016

arul/krk
PA/GSV-PM/SAR I/04.05.16/2p/4c(IT)