

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

WRIT PETITION No.26765 of 2017

and

W.M.P.No. 28503 of 2017

R.Sri Divya

....Petitioner

Vs

The Vice-Chancellor
Pondicherry University
Kalapet
Puducherry - 605 014.

.....Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the letter of rejection in No. PU/Aca-5/ M.Sc-Integ(Phys)/ Readmi/ 2017/ 2062 dated 22.09.2017 of the respondent University and quash the same and consequently permit the petitioner to attend the internal Tests and External Examinations to be held in November 2017 and April 2018 which were not completed by the petitioner by granting extension of time to enable her to complete her M.Sc (Physics)-5 year Integrated Course.

For Petitioner : Mr.N.Anand Venkatesh
For Respondent : Mr.Stalin Abhimanyu

O R D E R

The petitioner joined M.Sc. [Physics]- five year integrated course in the respondent /University in the year 2008. From 2011 onwards, she could not concentrate on her studies. On treatment she was wrongly diagnosed for Seizure disorder and her condition got worsened and in the year 2013, she was diagnosed for Cognitive Difficulties and she was treated by the National Institute for Mental Health and Neuro Science, Bangalore.

2.After treatment, the petitioner slowly recovered and she was able concentrate on her studies. Because of her illness, she could not clear the exam papers and with great difficulty she cleared majority of the papers.

3.However, a few papers are yet to be cleared. Usually the University would grant three more years to clear the arrears.

However due to circumstances beyond her control, due to ill health, she could not completely clear all the papers. Hence, she requested a few more attempts to clear the balance papers. In this regard, the petitioner gave a representation on 23.06.2016 requesting extension of course and the same was also granted on 21.10.2016.

4.Though, the extension of course was granted, by the time the order reached the petitioner, one attempt was already lost. Therefore, the petitioner seeks totally two attempts to clear eight arrears papers. In this regard, the petitioner gave a letter dated 10.05.2017 and the same was rejected by the University by order dated 22.09.2017 and the said order is being challenged before this Court.

5.Heard, Mr.N.Anand Venkatesh, learned counsel appearing for the petitioner and Mr.Stalin Abhimanyu, learned Standing Counsel appearing on behalf of the respondent /University.

6.There is no dispute with regard to the administration of the papers with regard to five years integrated M.Sc. Course for the academic year 2008-13. Her case is that she has been suffering illness resulting in accumulation of arrears. A perusal of a medical certificate issued by the National Institute for Mental Health and Neuro Sciences, Bangalore dated 28.08.2013, would reveal that the petitioner was suffering from Cognitive Difficulties. It is a rare disease which would create difficulty for the student to perceive and understand the subject and it would be impossible for any student, suffering from such a disease to clear the papers.

7.Therefore for medical reasons the petitioner should be granted two more opportunities. More over, Mr.Stalin Abhimanyu, learned Standing Counsel for the respondent /University obtained instructions from the Vice Chancellor explaining the difficulties of the petitioner and the Vice Chancellor also agreed to grant two more opportunities for the petitioner to clear her arrears.

8.In view of the above position, the impugned order is quashed and there shall be a direction to the respondent to permit the petitioner to attend two more semesters to clear her arrears including internal tests.

9.This should not be treated as precedent as the petitioner suffered from a rare illness resulting in non-attending of classes and accumulation of arrear papers.

10.If already any exam including internal test is over, the respondent shall conduct a special examination for the petitioner.

11. Accordingly, the writ petition stands allowed. No costs.
Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

may

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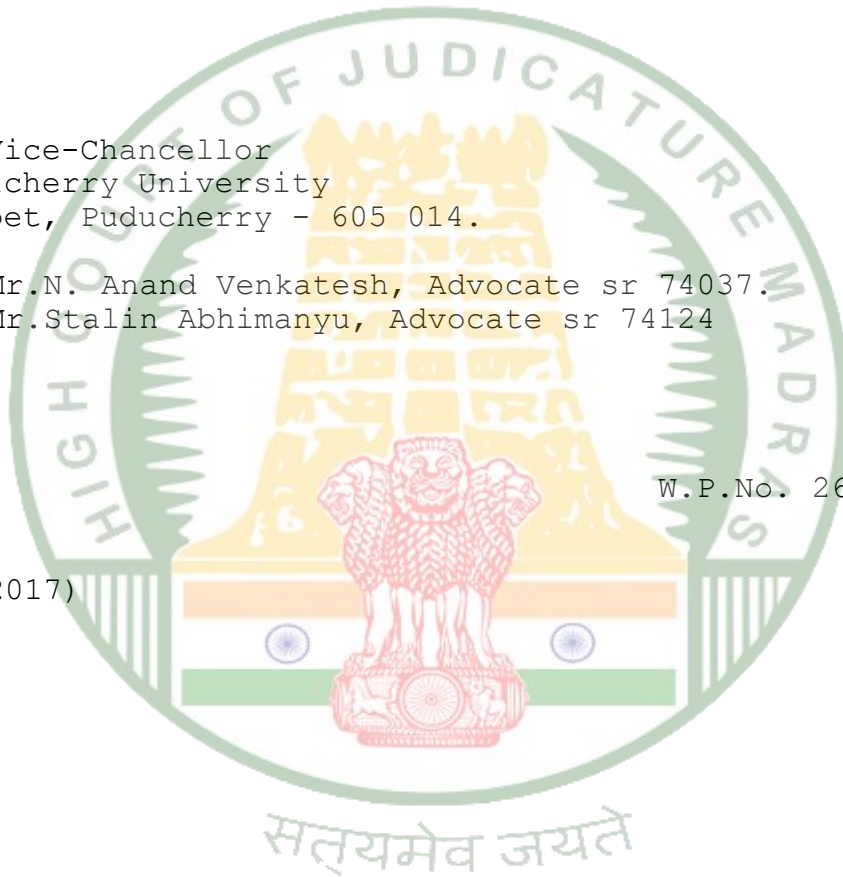
The Vice-Chancellor
Pondicherry University
Kalapet, Puducherry - 605 014.

+1 CC to Mr. N. Anand Venkatesh, Advocate sr 74037.

+1 CC to Mr. Stalin Abhimanyu, Advocate sr 74124

W.P.No. 26765 of 2017

SP (25/10/2017)



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