

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 31.07.2017
CORAM
THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU
W.P.No.17841 of 2017
and
W.M.P.No.19384 of 2017

P.Rohit

... Petitioner

vs.

1. Union of India,
rep. By its Chief Secretary,
Government of Pondicherry,
Goulbert Avenue,
Chief Secretariat,
Pondicherry.
2. The Principal,
Pondicherry Engineering College,
Kalapet
Puducherry - 605 014.
3. The Dean,
Controller of Examination,
Pondicherry Engineering College,
Kalapet,
Puducherry - 605 014. ...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 17.05.2017 and direct the 2nd respondent Institution to permit the petitioner in 5th Semester classes and consequently permit him to appear for theory in 4th semester exams.

For Petitioner : Mr.D.Sreenivasan
For Respondents: Mr.A.Gandhiraj
for R1 to R3.

O R D E R

The petitioner seeks for a mandamus directing the respondents to consider his representation dated 17.05.2017 and to direct the 2nd respondent Institution to permit him in 5th Semester classes and consequently, permit him to appear for theory in 4th semester exams.

2. Heard Mr.D.Sreenivasan, learned counsel for the petitioner and the learned Government Pleader (Pondicherry) appearing for the respondents.

3. The case of the petitioner is that because of the shortage of the attendance in the 4th semester, the petitioner was not permitted to write the examination in the 4th semester, even though the shortage of such attendance was purely due to medical grounds. It is stated that the petitioner had undergone eye surgery which has resulted in the shortage of attendance.

4. The respondents filed a counter affidavit wherein it is stated that the petitioner is having only 55.10% of attendance whereas as per the University Regulation, he should have not less than 75% of overall attendance to become eligible to appear for the examination. It is further stated that there is no provision in the Regulation to extend concession even on medical grounds if the overall percentage of attendance is less than 60%.

5. Upon hearing the learned counsel on either side and pursuing the factual aspects of the matter, this Court is of the view that the petitioner, who is not having even the minimum percentage of 60% so as to seek for extension of concession for condoning the remaining percentage of attendance out of the total 75%, is not entitled to seek for condonation of the same in the absence of Regulation to that effect. No doubt, it is stated that the petitioner has undergone eye surgery which has resulted in the loss of attendance. But at the same time, if the total percentage of the attendance of the petitioner is to the extent of only 55.10% which is less than 60%, this Court is not in a position to grant any relief to the petitioner, as even such minimum percentage of attendance of 60% is not available with the petitioner so as to direct the University to condone the remaining requirement of attendance. Therefore, I find that the petitioner is not entitled to any relief. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vs i

To

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