



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.04.2017

CORAM :

THE HONOURABLE MR. JUSTICE **T.S.SIVAGNANAM**
AND

THE HONOURABLE MR. JUSTICE **P.VELMURUGAN**

W.A.(MD)No.434 of 2017in
C.M.P.(MD).No.4008 of 2017

P.Anbuselvi

... Appellant/Petitioner

Versus

1. The Principal,
Saiva Bhanu Kshatriya College,
Aruppukottai-626 101
Virudhunagar District.
2. The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai - 625 021.

... Respondents/Respondent

Writ Appeal is filed under Clause 15 of the Letters Patent Act, against the order dated 18.04.2017 made in W.P.(MD) No.5625 of 2017.

Prayer in WP(MD) . 5625/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to condone the shortage of attendance and permit the petitioner to remit the examination fee to the 1st respondent and appear for the 6th Semester examinations of B.Com (CA) to be conducted by the 2nd respondent in April/May 2017.

For Appellant	: Mr.S.T.Sasidharan Tamil kani
For 1 st Respondent	: Mr. Meenakshi Rama Prabhu
For 2 nd Respondent	: Mr. T.Sakthi kumaran

JUDGMENT

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

Heard, Mr.S.T.Sasidharan Tamilkani, learned counsel appearing for the appellant, Mr.Meenakshi Rama Prabhu, learned counsel appearing for the first respondent/College and Mr.T.Sakthi Kumaran Standing Counsel appearing for the second respondent.

2. The appellant/writ petitioner is before this Court aggrieved by the order passed in W.P.(MD).No.5625 of 2017, dated 18.04.2017 to condone the shortage of attendance and permit the petitioner to attend the 6th semester examination of B.com (CA) course which is to commence from today (24.04.2017).



3. Before the learned Single Judge, the second respondent university had placed the relevant notification dated 30.03.2017, which prescribed total number of working days which a student has to attend, to be eligible to sit for the examination. The said notification also provides for condonation of attendance up to a certain limit. So far as the petitioner is concerned, her case falls under Clause (c) of the said notification, dated 30.03.2017, which reads as follows;-

"c) The students who have attended the class for 58 days and less, but 45 days (50%) and above cannot appear for university examination of April 2017 and they can appear for the next examination for which special permission must be obtained from the university providing sufficient reasons for their absence supported by proper documents in payment of Rs.500/-."

4. The learned Single Judge after taking into consideration the factual position found that the appellant/writ petitioner is not eligible for attending the theory examination and she has failed to secure the requisite number of days of attendance and consequently, the case of the appellant cannot even be considered for condonation of the minimum period of attendance.

5. It has been repeatedly held by the Hon'ble Supreme Court that writ Courts should not step into the realm of administration of educational institutions, nor interfere with the regulations prescribed by the university with particular reference to attendance. Further, it has been held that the Courts have no power to condone the minimum requirement and direct the students to appear for the examination.

6. In the instance case apart from the hurdle on account of the notification dated 30.03.2017, other factors are also against the appellant and one is that on account of non attending the class, she has not been allowed to write 6th semester examination. One more factor against the appellant is that if she did not appear for the practical examination, she would not be eligible to write the theory examination commencing from today (24.04.2017). Thus the orders passed by the writ Court is perfectly in order. Accordingly, while dismissing the writ appeal, we observe that the first respondent college shall permit the appellant to appear for the next session and permit her to attend classes and also for the practical and theory examinations as and when the same is conducted. No costs. Consequently, connected miscellaneous petition is closed.

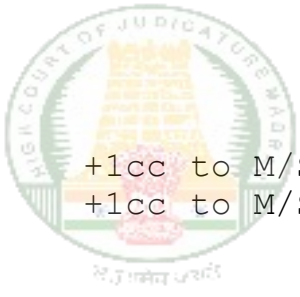
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Assistant Registrar(CS-I)

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Sub Assistant Registrar



+1cc to M/S.T.SAKTHI KUMARAN, Advocate SR.No.53726
+1cc to M/S.S.T.SASIDHARAN , Advocate SR.No.53727

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JM/JC/05.05.2017/3P/3C