



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 18.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

WEB COPY

W.P. (MD) .No.5625 of 2017
and W.M.P (MD) .No.4506 of 2017

P.Anbuselvi

.. Petitioner

Vs.

1.The Principal,
Saiva Bhanu Kshatriya College,
Aruppukotti-626 101
Virudhunagar District.

2.The Registrar,
Madurai Kamaraj University,
Palkalai Nagar,
Madurai-625 021.

.. Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India 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 Petitioner	:Mr.S.T.Sasidharan Tamilkani
For R1	:Mr.A.V.Arun
For R2	:Mr.T.Sakthi Kumaran

ORDER

The prayer in this petition is for issuance of 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.

2. Heard the learned counsel for the petitioner, the learned counsel appearing for the first respondent and the learned counsel appearing for the second respondent.

3. The learned counsel appearing for the first respondent has filed a counter affidavit.

4. Paragraph No.11 of the counter affidavit of the first respondent reads as follows:



I submit that as per the Madurai Kamaraj University notification Ref - Exam / UG / Se /condon /APR-2017 dated 30.03.2017 total number of working days is fixed as 90 days/450 hrs for university Examination of April 2017.

a) The students who have attended the class for 68 days(75%) and above will be permitted to appear for the ensuing University exam of April 2017 without any precondition.

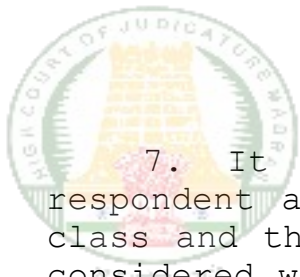
b) The students who have attended the class for 67 days and less, not 59 days (65%) and above will be permitted for exemption in the prescribed form to the university along with fees Rs.300/- with specific remarks of the principal for condonation of attendance.

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/-.

d) The students who have put in 44 days attendance and less have to repeat the whole semester. Total number of working days is 93 days for the present semester. The petitioner has attended only 41 days below 44 days and has to repeat the semester and she falls under category (d). Hence through letter, we have intimated the University about the lack of attendance for the petitioner herein and the intimation letter sent to the petitioner for her absence. Any view the petitioner cannot take the examination as per the university norms for examination.

5. According to the first respondent, the petitioner has attended only 41 days out of 93 working days. As per Paragraph No.11(c) which is extracted above, 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/-.

6. Since the petitioner has attended only 41 days, the relief sought for by the petitioner cannot be granted in view of the instructions given by the Madurai Kamaraj University. Moreover, it appears that for personal reasons the petitioner seems to have abandoned her education and she did not return to the College for number of days consecutively.



7. It is seen that the petitioner's father met the first respondent and made a request to permit the petitioner to attend the class and the first respondent informed that the said request will be considered with the permission of the Secretary of the College. But On 28.03.2017, it was informed that the petitioner did not fulfill 80% attendance and hence, she could not be permitted to write examinations. If the petitioner is not permitted to write examinations, one valuable year will be lost and hence, the petitioner has rushed to this Court seeking the relief stated supra. In the affidavit, some allegations were also levelled against the College. In any event, since the petitioner has not put in sufficient number of days of attendance to become eligible to write examinations, the prayer sought for by the petitioner in this writ petition cannot be granted.

7. In the result, this writ petition is dismissed. No costs. Consequently, connected W.M.P.(MD) No.4506 of 2017 is also dismissed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

CM/IA

1CC TO MR. T. SAKTHI KUMARAN, ADVOCATE SR: 52338

1CC TO MR. S.T. SASIDHARAN TAMIL KANI, ADVOCATE SR: 52337

1CC TO MR. A.V. ARUN, ADVOCATE SR: 52712

KK SKN RSK SAR 2-18/04/2017-3P 4C

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