



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P(MD)No.5662 of 2017
and W.M.P. (MD) Nos.4530 and 5056 of 2017

Solai

..Petitioner

Vs

1.The Vice Chancellor,
Kalasalingam Deemed University,
Krishnankovil,
Srivilliputhur Taluk,
Virudhunagar District.

2.The Registrar,
Kalasalingam Deemed University,
Krishnankovil,
Srivilliputhur Taluk,
Virudhunagar District.

3.The Controller of Examinations,
Kalasalingam Deemed University,
Krishnankovil,
Srivilliputhur Taluk,
Virudhunagar District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to issue the Hall Ticket to the son of the petitioner and to write the examinations commencing from 03.04.2017.

For Petitioner :Mr.A.Mu.Sharavanan
For Respondents :Mr.M.Ashok Kumar

ORDER

The petitioner has approached this Court seeking a direction to the respondents herein to issue the Hall Ticket to the son of the petitioner and to write the examinations commencing from 03.04.2017.

2.This Court while entertaining the Writ Petition, at the time of its disposal, has passed order directing the respondents to permit the petitioner to write the ensuing examination and posted the matter on 17.04.2017 for further hearing and it was adjourned



to today (19.04.2017) at the instance of the learned counsel for the respondents for getting instruction.

3. When the matter was taken up for hearing today, the learned counsel appearing for the respondents would submit that the petitioner had made wild allegations against one of the staff member in the affidavit filed in support of the petition and such allegations are highly defamatory and derogatory commenting upon the character of the faculty concerned. In fact, the faculty member has not been made party in the writ petition.

4. According to the counter affidavit filed by the 2nd respondent, petitioner's son is not sincere in his studies and he used to consume alcohol in the college and he has been warned several times on his habits.

5. However, notwithstanding the conduct of the petitioner's son and irrespective of the allegations made by the petitioner in his affidavit, the learned counsel appearing for the respondents submitted that the claim of the petitioner would be considered if the petitioner submits a written apology withdrawing the allegations made against the faculty in the affidavit filed in support of this Writ Petition. It is the further contention of the learned counsel for the respondents that the required attendance to enable the petitioner to appear for the examination is 80% and the petitioner's son does not fulfil the required attendance. Further, he would submit that in case the petitioner's son's attendance is over 70% the same is condonable if proper condonation application is filed seeking condonation of the shortage. According to the learned counsel appearing for the petitioner, the petitioner's son has put in 70% attendance only in few subjects and in other subjects he has put in below 70% attendance. He would therefore submit that if the petitioner's son obtained the required attendance of 70%, which is condonable, the petitioner's son can be allowed to participate in the ensuing examinations and for the remaining examinations when the petitioner's son did not fulfil the 70% attendance, it is open for the petitioner's son to attend summer classes to make the short fall in the attendance.

6. I have heard the rival submissions made by the learned counsel for the parties and perused the materials placed before the Court.

7. The learned counsel appearing for the respondents fairly submitted as indicated above. In view of the submissions made, this Court permits the petitioner's son to write the ensuing examinations on the following conditions:

<https://hcservices.ecourts.gov.in/hcservices> Outset the petitioner's son forthwith should submit a written apology withdrawing the averments/allegations made in the affidavit filed in support of the Writ Petition against one of



the faculty of the college.

(ii) Upon giving a written apology, the petitioner's son is directed to file appropriate application seeking condonation of attendance between 70% to 80% for the subject concerned.

(iii) As regards the subjects where petitioner did not put in 70% attendance, it is open to the petitioner to attend summer classes to make the shortfall in attendance as that could not really prejudice the career prospects of the student concerned, since the time lapse would be marginal.

(iv) In case the petitioner's son failed to fulfil the conditions, it is open to the respondents to take whatever decision as they deem as per the rules and regulations of the respondents.

8. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Crl. Side)

/True Copy/

Sub Assistant Registrar

To

1. The Vice Chancellor,
Kalasalingam Deemed University,
Krishnankovil,
Srivilliputhur Taluk,
Virudhunagar District.
2. The Registrar,
Kalasalingam Deemed University,
Krishnankovil,
Srivilliputhur Taluk,
Virudhunagar District.
3. The Controller of Examinations,
Kalasalingam Deemed University,
Krishnankovil, Srivilliputhur Taluk,
Virudhunagar District.

+1CC to M/S.A.Mu.Sharavanan, Advocate, SR.No. 52723

+1CC to Mr.M.Ashok Kumar, Advocate, SR.No.52877

W.P(MD) No.5662 of 2017
and W.M.P. (MD) Nos.4530 and 5056 of 2017
19.04.2017