

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.9249 of 2018 and
W.M.P.No.11135 of 2018

N. Balasubramani

... Petitioner

Vs.

1. The Registrar in-charge
Tamil Nadu Dr.Ambedkar Law University,
Poompozhil,
No.5, Dr.D.G.S.Dinakaran Salai,
Chennai - 600 028.

2. The Principal,
Dr.Ambedkar Government Law College,
Near Kuralagam,
High Court Building Campus,
Chennai - 600 104.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents 1 and 2 to receive the term fee for the 4th semester in 3rd year LLB Course enabling the petitioner to pursue his law course.

For Petitioner : Mr.V.V.Argees Amal Raja

For 1st Respondent : Mr.L.P.Shanmuga Sundaram

For 2nd Respondent : Ms.V.Annalakshmi
Government Advocate

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O R D E R

The petitioner has come forward with this Writ Petition praying to direct the respondents 1 and 2 to receive the term fee for the 4th semester in 3rd year LLB Course enabling the petitioner to pursue his law course.

2. The petitioner is studying second year L.L.B. Course and his Register Number is 316A0150. According to the petitioner, as he was severely suffering from viral fever and jaundice, he could not attend the classes in the months of January and February, 2018, and that he had to stay in his native place viz., Batlagundu for taking rest. Further, he was unable to visit the College to pay the 4th semester term fee in time. After recovering from the illness, on 20th February, 2018, he made a representation to the 2nd respondent stating his medical reasons. The 2nd respondent/ Principal, Dr.Ambedkar Government Law College, instructed the petitioner to attend the classes without fail and believing his words, and expecting that his request would be considered, the petitioner started attending the classes. When the petitioner attempted to pay the semester fee, the clerk concerned refused to receive the same and further stated that the College was closed due to hunger strike, as the students were demanding not to change the college premises. According to the petitioner, the delay in making the payment is neither wilful nor wanton, but due to the above said medical reasons beyond his control.

3. It is further stated by the petitioner that the College did not function in January and February, 2018, and that there were classes only for 20 days in March, 2018. Even though the petitioner has attended the classes, his attendance was not marked.

4. The second respondent has filed the counter affidavit and has relied upon the relevant Attendance Regulations of the University, which reads as follows:-

(i) the candidates who have secured less than 66% of attendance, have to re-do the full course of one year/one semester in the subsequent academic year, irrespective of the number of days falling short of attendance, by obtaining prior permission for re-admission from the Director of Legal Studies and the Law University on payment of fees prescribed for readmission.

(ii) Condonation eligibility on recommendation of the Principal of the college is 66% and above, but less than 75%.

(iii) Candidates securing more than 75% of the attendance, are eligible to write the University examinations.

5. Learned counsel appearing for the second respondent submitted that the Regulation would clearly state that the students who have secured less than 66% of attendance, have to re-do the full course of one year/one semester in each subsequent academic year by obtaining permission for readmission from the Director of Legal Studies. He further submitted that the academic year started on 08.01.2018 and the last day for instruction classes for the fourth semester is 30.04.2018. It is his contention that the petitioner did not pay the fees on or before 31.01.2018, being the last date and though no classes were held on account of hunger strike during January and February, 2018, he did not attend the classes during the working days in March, 2018, even after recovering from illness.

6. Taking note of the submissions of the learned counsel on either side and considering the facts and circumstances of the case, this Court makes it clear that for shortage of classes during the months of January and February, 2018, due to hunger strike by students, if any special classes are going to be conducted to compensate the loss of working days, the petitioner shall be permitted to attend those classes and his attendance shall be considered.

7. Time for payment of fourth semester fees may be extended, without prejudice to the rights of the parties and the same shall be taken into consideration for the present semester if special classes are conducted. If special classes are not conducted for the purpose of completing the subjects and also to overcome shortage of attendance for all the students, the said term fee will be carried forward to the next semester to enable the petitioner to re-do the semester.

With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

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Sub Assistant Registrar

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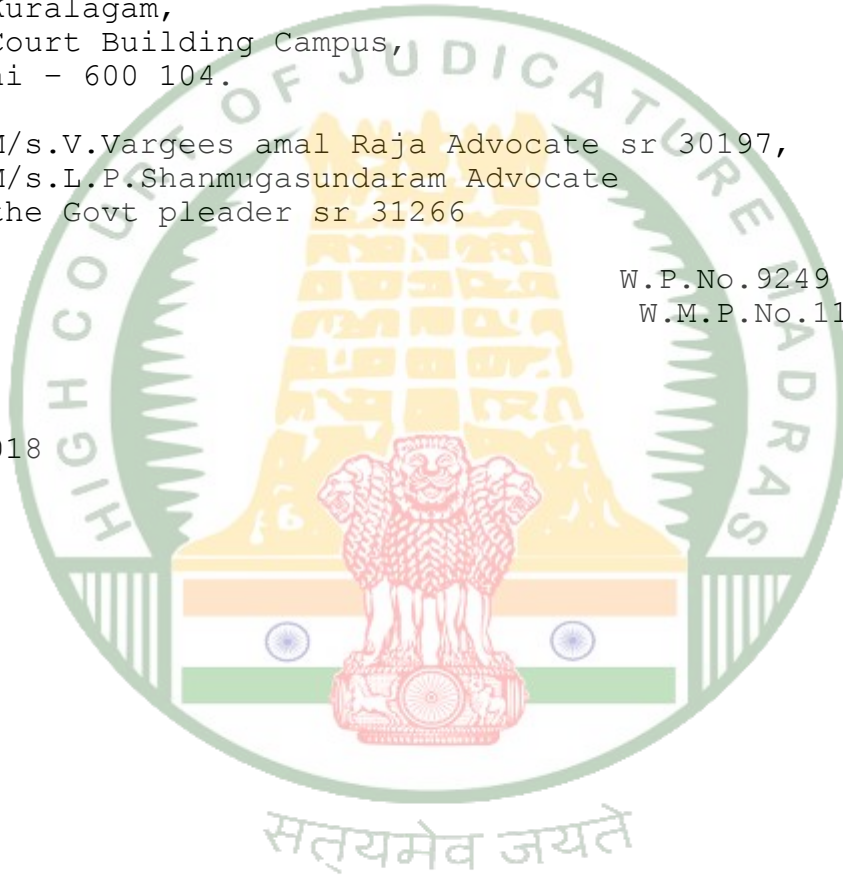
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+1 cc to M/s.V.Vargees amal Raja Advocate sr 30197,
+1 cc to M/s.L.P.Shanmugasundaram Advocate
+1 cc to the Govt pleader sr 31266

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