

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

WRIT PETITION No.4361 of 2018

Keerthana

...Petitioner

Vs.

1. The Registrar,
Tamil Nadu Teachers University,
Gangai Amman Koil Street,
Karapakkam, Chennai 600 097.
 2. The Controller of Examination,
Tamil Nadu Teachers University,
Gangai Amman Koil Street,
Karapakkam, Chennai 600 097.
 3. Sri Aurobindo Mira College of Education,
Nehru Nagar, Bypass Road,
Madurai - 16.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the 1st and 2nd Respondents to process the Petitioner's B.Ed. Practical Examination for the II Year students and issue Mark Sheet with internal marks within a time frame.

For Petitioner : Ms.Geetha
for Mr.R.Diwakaran
For Respondents 1 & 2 : Mrs.P.Rajalakshmi,
Additional Government Pleader
For 3rd Respondent : Mr.R.Poornima

O R D E R

Petitioner has come up with the present Writ Petition seeking a direction to the 1st and 2nd Respondents to process her B.Ed. Practical Examination for II Year students and issue Mark Sheet with internal marks within a stipulated period.

2. According to the Petitioner, she joined the 3rd Respondent/College for two years B.Ed. Course in the academic year 2015-16 and did her Course by staying in the Hostel run by the 3rd Respondent. She completed her first year Course and also attended B.Ed. Practical Examination for the first year. While

she was studying in the second year, she got married to an employee of the 3rd Respondent/College and the College officials called her parents and asked them to take her away from the College, and hence, the Petitioner had to stay away from the College the whole of January 2017 and February 2017.

3. It is the case of the Petitioner that she was not allowed to attend the Practical Examination held for II year students in February 2017. Thereafter, she requested the 1st Respondent to permit her to attend the College and complete the Course and the 1st Respondent permitted her to attend the College from March 2017. But, the 3rd Respondent did not allow her to write the exams and did not issue Hall Ticket. Hence, the Petitioner made a representation to the 1st Respondent to permit her to write the exams. The 1st Respondent issued Hall Ticket to the Petitioner and the Petitioner wrote her II year Course and cleared all the external papers in the II year. However, she could not attend the II year Practical Examination and hence, no internal marks were given, though she wrote the internal assignment test. Without the Internal Marks, the Petitioner could not complete her Course and is not in a position to proceed with higher studies or to go for a job.

4. It is further stated by the Petitioner that she approached the 3rd Respondent/College several times to permit her to attend the II year Practical Examination, but, her request was refused. When the Petitioner approached the 1st Respondent in this regard, she was informed that the Petitioner/College has to furnish her teaching practice particulars. However, the 3rd Respondent/College has stated that they do not have any particulars of the Petitioner. The grievance of the Petitioner is that without the particulars of her teaching practice, the 1st Respondent is not in a position to process her request. Hence, having no other efficacious alternative remedy, the Petitioner is before this Court.

5. The 3rd Respondent/College has filed counter affidavit and has stated that in the second year, a B.Ed. Student has to undergo Intensive Teaching Practicing for a period of 16 weeks in the School. After the completion of Intensive Teaching Practicing (ITP), students will be given a Certificate and only thereafter, the student will be permitted to undergo practical examination, which is normally conducted in the month of February. The Practical Examination for B.Ed. Courses is conducted by the 1st Respondent/University during the month of February every year and written examination during the month of May/June.

6. It is further stated by the 3rd Respondent/College that the second academic year for the Petitioner commenced in the

month of August 2016 and that the Petitioner attended College only for 18 days in August 2016. The ITP classes were conducted for the students of the academic year 2016-2017 for 84 days, however, the Petitioner attended classes for only 41 days. According to the 3rd Respondent/College, the Petitioner did not attend classes in their College from January 2017 and they came to know that she eloped with a staff of their College and got married in January 2017, against the wish of her parents. It is incorrect to state that the Management was targeting the Petitioner on account of her marriage. The Petitioner has attained majority and she has all rights to select her life partner.

7. It is also stated by the 3rd Respondent/College that the Petitioner did not attend classes and she had not remitted the Examination fee to the College, but, she approached the 1st Respondent and paid the Examination fee directly. As the College did not pay the Examination fee for the Petitioner, they returned her Hall Ticket to the University. However, the Petitioner obtained Hall Ticket from the University and appeared for the Written Examination in June 2017 and thereafter, she obtained Transfer Certificate from the College.

8. The University is conducting practical examination for the students in the month of February every year. It is the case of the 3rd Respondent/College that if the University is about to schedule practical examination for the Petitioner on a particular date, the Management is ready to co-operate and that the Management wants all their students to come out of the College with flying colours, after completion of the Course.

9. The 1st Respondent/University has filed counter affidavit, wherein, it is stated that they are conducting Examinations, particularly practical Examination for II year B.Ed. Degree programme during the month of February every year and Theory Examination in May/June. The Examination Fee for both practical and theory will be collected together, after completion of Practical Examination, but before conducting Theory Examination. As per the University's communication, dated 02.03.2017, the Examination Fee for both Practical and Theory Examination should be collected from the students and submitted to the University by the Principal of the College concerned, on or before 15.03.2017 without fine and on 20.03.2017 with fine. Accordingly, the Principal of the 3rd Respondent/College has submitted Examination Fee of Rs.74,275/- in the form of Demand Draft to their University and the same was received by them on 08.03.2017. But, the Petitioner has not paid fee for Practical Examination on or before the last date stipulated by the Respondent/University.

10. Further, in the list of 43 students attached along with the covering letter/Demand Draft, which is the nominal roll for II year B.Ed. Students, three names including that of the Petitioner, were struck out with an endorsement "Left", which indicates that the Petitioner viz. Keerthana has left the College.

11. It is further stated by the 1st Respondent/University that the Petitioner has attached a copy of the challan dated 03.04.2017, in which, there is no stamp of the Bank and date seal for receipt of payment. Furthermore, the Petitioner's name is not found in the challan. But, there is a stamp of Transfer. The last date for payment of fee was 15.03.2017. But, the Petitioner has claimed to have paid the Exam Fee on 03.04.2017, i.e. after the last date. However, as per the records of the University, no such amount was received.

12. According to the 1st Respondent/University, Practical Examination for II year B.Ed. Course will be conducted once in a year, i.e. in February. Hence, the Petitioner may be permitted for Practical Examination during February 2019 along with fee of Rs.600/- at the College, where she has undergone the B.Ed. Degree programme, provided she has fulfilled all other conditions.

13. Heard the learned counsel for the parties and perused the material documents available on record.

14. Admittedly, the Petitioner has appeared for the Theory Examination in II year B.Ed. Course in June 2017 in the 3rd Respondent/College and has cleared all papers. Her only grievance is that the 3rd Respondent/College is not furnishing particulars of her Teaching Practice to the 1st Respondent/University, to enable them to process her request to attend the II year B.Ed. Practical Examination. Also, it is the case of the Petitioner that she is willing to pay necessary fees for the II Year Practical Examination again. According to the 3rd Respondent/College, the Management is ready to co-operate, if the 1st Respondent/University fixes a date for conducting practical Examination for the Petitioner. While so, it is the case of the 1st Respondent/University that the Petitioner has not paid the Examination fee for II Year B.Ed. Practical Examination. However, the 1st Respondent/University has stated in their counter that the Petitioner will be permitted to appear for Practical Examination in February 2019, provided she fulfills all other conditions.

15. At the time of arguments, learned counsel appearing for the 3rd Respondent/College produced the Attendance Register of the students for II Year B.Ed. Course for the academic year 2016-17. A perusal of the same shows that the Petitioner viz. Keerthana, has attended Classes only for 15 days out of 23 days

in September 2016; 10 days out of 18 days in October 2016; 13 days out of 25 days in November 2016 and 3 days out of 16 days in December 2016 for II Year B.Ed. Course.

16. From the above, it is seen that the Petitioner has not attended Classes for II Year B.Ed. Course regularly and that her attendance is less than 30%, which is supposed to be 80%. It is sad to note that the Petitioner, aspiring to become a Teacher, was not regular in her attendance. Now, that the 3rd Respondent/College is willing to co-operate with the 1st Respondent/University in permitting the Petitioner write her II Year B.Ed. Practical Examination, this Court directs the 1st Respondent/University to permit the Petitioner write her II Year B.Ed. Course Practical Examination in February 2019, upon payment of necessary Examination Fee and on fulfilment of requisite conditions, stipulated by the University.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected W.M.P.No.5354 of 2018 is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Registrar,
Tamil Nadu Teachers University,
Gangai Amman Koil Street,
Karapakkam, Chennai 600 097.
2. The Controller of Examination,
Tamil Nadu Teachers University,
Gangai Amman Koil Street, Karapakkam,
Chennai 600 097.

+1cc to Mr.R.Poornima, Advocate, S.R.No.43059
+1cc to Mr.R.Diwakaran, Advocate, S.R.No.43016
+1cc to Mrs.P.Rajalakshmi, Advocate, S.R.No.43462

W.P.No.4361 of 2018

CS/13/07/18