

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.10814 of 2018
and WMP.No. 12754 of 2018

R.Indhuja

.. Petitioner

Vs.

1.The Controller of Examination
Anna University
Chennai-600 025.

2.The Principal
Kavery Engineering College,
M.Kalipatti,
Mecheri, Salem District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to take appropriate action against the 2nd respondent for preventing the petitioner from attending the classes from 06.03.2018 and preventing the petitioner from attending the practical examinations of (a) Mobile Applications development Laboratory-C.S.No.6611 ; (b) Compiler Laboratory Practical Examination - C.S. No.6612 on 18.04.2018 and 19.04.2018 respectively and consequently direct the 2nd respondent to pay compensation of Rs.5,00,000/- to the petitioner for the damages and mental agony caused to the petitioner by preventing her from attending the college and preventing her from the practical examinations of a)Mobile Applications development Laboratory CS.No.6611; b)Compiler Laboratory practical Examination CS.No.6612.

For petitioner : Mr.T.Sai Krishnan

For respondents : Mr.M.Vijayakumar - R1

Mr.Kandhan Doraisami -R2

ORDER

The petitioner has come forward with the prayer to issue a Writ of Mandamus directing the first respondent to take appropriate action against the 2nd respondent for preventing the petitioner from attending the classes from 06.03.2018 and preventing the petitioner from attending the practical examinations of (a) Mobile Applications Development

Laboratory-C.S.No.6611 ; (b) Compiler Laboratory Practical Examination - C.S. No.6612 on 18.04.2018 and 19.04.2018 respectively and consequently direct the 2nd respondent to pay compensation of Rs.5,00,000/- to the petitioner for the damages and mental agony caused to the petitioner by preventing her from attending the said examinations.

2. Heard both the parties and perused the materials available on record.

3. Today, when the matter is taken up for hearing, it is represented by the learned counsel appearing for the 2nd respondent/college that the male student who studied along with petitioner who is also responsible for the alleged incident, had already left the college.

4. The learned counsel for the petitioner has filed an affidavit of undertaking of the petitioner and her father tendering unconditional apology for the incident that took place in the college and that the petitioner may be directed to take up two examinations (a) Mobile Applications Development Laboratory -C.S. No.6611; and (b) Compiler Laboratory Practical Examination - C.S. No. 6612.

5. The learned counsel appearing for the 2nd Respondent/College has submitted that when a student/petitioner gives undertaking, there is no hesitation for the college in permitting the student/petitioner to take up examination.

6. Paragraphs 2 to 4 of the affidavit of undertaking filed by the petitioner and her father is extracted below;

"2. We hereby express our regret for the untoward incidents that had happened in the Kavery Engineering College, M.Kalipatti, Mecheri, Salem District and we hereby tender out apologies for any of our acts that are considered to be excessive by the Management of the College. We hereby undertake and assure that we will not be in any way responsible for any such issues in future. Henceforth, we will bring to the kind attention of the management any of our grievances so that the Management could take appropriate decision and action.

3. We hereby withdraw the allegations as against the college as contained in the affidavit filed in support of above WP and we seek the permission of this Hon'ble Court to withdraw the prayer for compensation.

4.It is therefore most humbly prayed that this Hon'ble Court may be pleased to direct the Respondents herein to conduct the practical examinations of (a) Mobile Applications development Laboratory -C.S. No.6611; (b) Compiler Laboratory Practical Examination - C.S. No. 6612 for the petitioner."

Recording the affidavit of undertaking dated 24.07.2018 filed by the petitioner and her father, this writ petition is disposed of. consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(ccc)

//True Copy//

Sub Assistant Registrar

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+1cc to Mr.M.Vijayakumar, Advocate SR.NO.50197
+1cc to Mr.T.Saikrishnan, Advocate SR.NO.49522
+1cc to Mr.Muthumani Doraisami, Advocate SR.NO.49307

GJII(CO)
sm:20.8.2018

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