

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.No.22244 of 2017
and
W.M.P.No.23288 of 2017

R.Mohan

... Petitioner

Vs

1. The Registrar,
Anna University,
Anna University Campus,
Chennai.
2. Tamil Nadu College of Engineering,
Rep. by its Principal,
Karumathampatti,
Coimbatore 641 659.
3. The Controller of Examinations,
Office of Controller of Examinations,
Anna University, Chennai 600 025. ... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus, to call for the records from the 3rd respondent relating to Lr.No.7141/COE/C33/2017 dated 21/07/2017 and to quash the same and consequently to direct the 2nd respondent to permit the petitioner herein to attend his 4th year B.E Electrical and Electronics Engineering classes and publish the 3rd year VI semester results.

For Petitioner : Ms.S.P.Arthi
For Respondents : Mr.M.Vijayakumar (for R1 and R3)
Standing Counsel
Mr.P.R.Sankar (for R2)

O R D E R

How liquor plays havoc in the lives of the people is clearly exhibited in this case and this Court should blame only the policy makers, who lifted the prohibition which was imposed in Tamil Nadu during the year 1938 by the then premier of Madras

President Mr.Rajagopalachari. There are many cases of untimely death of persons leaving their families in lurch, due to consumption of alcohol throughout Tamil Nadu. Though, there are exemption to liquor in some states like Bihar, Gujarat and in north eastern states, the consumption of alcohol in Tamil Nadu is stated to be more than other states. It is not only confined to adults, but also get extended its canticles, even to the students spoiling their education and consequently their lives.

2.Here is a case in which the petitioner who is a first generation college student has become victim due to consumption of alcohol. The petitioner is an Engineering student, who has completed third year Electrical and Electronics Engineering in the second respondent/Tamil Nadu College of Engineering, Coimbatore. The petitioner was not permitted to write the VI semester examination due to lack of adequate attendance as he was under suspension due to consumption of alcohol during the college hours. Consequently, he was directed to redo the VI semester. Such order is being challenged before this Court.

3.Ms.S.P.Arthi, learned counsel appearing for the petitioner would submit that with malafide intention, the management suspended the petitioner with false allegations and was not allowed to attend the classes and due to which the petitioner could not have sufficient attendance to write the VI semester. In view of that she would submit that the impugned order directing the petitioner to redo the VI semester is illegal and unwarranted.

4.However, Mr.M.Vijayakumkar, learned counsel appearing for the first respondent would submit that as per clause 6.3 of Anna University regulation 2013, any candidate who has secured not less than 75% attendance alone would be permitted to write the examination. Whereas the petitioner has got only 54% and hence, the petitioner was rightly not permitted to write the examination. The learned counsel for the second respondent would submit that because of the misbehaviour of the petitioner, he was suspended and he was ordered to redo the course.

5.Heard, all the parties and perused the records. Though attendance is the crux of the matter in this issue, the core issue is consumption of alcohol in the college hours and creating ruckus among other college mates by the petitioner. The student is supposed to attend the classes, only to learn lesson and to enrich his knowledge. The student cannot neither misbehave nor commit any misdeed either inside the campus or outside the campus. The student phase should be a knowledge gaining phase and the knowledge gained in the process would empower the person to lead a better life by getting appropriate posting and thereby leading a decent life. However, in this

case the allegation against the petitioner is that he had consumed alcohol during college hours and created ruckus among other college students. The atmosphere in the college or any educational institution should be an academic atmosphere as it should not be vitiated on any account. Consumption of alcohol, that too, by a student cannot be taken as an act of mistake, because he deliberately consumed alcohol during college hours and created ruckus among all the other college mates, thereby vitiating atmosphere in the class/campus. If the petitioner is allowed to continue this kind of act, definitely it would not be good in the interest of the institution and also to the students. Therefore, the second respondent rightly suspended the petitioner and consequently, the petitioner could not get the required attendance for writing the VI semester. This Court out of sympathy permitted the student to write the examination in the earlier writ petition filed by him in WP.No.13016 of 2017.

6.As per clause 6.1 of the regulation, the student should have secured not less than 75% of the attendance and concession has been given under clause 6.2 on medical grounds, provided even after concession 65% attendance is secured by the student. What was secured by the petitioner is 54% attendance, which is far below the 75% attendance or even 65% on medical grounds. Therefore, the petitioner was rightly denied. The said view of this Court is supported by the judgment of the Hon'ble Supreme Court reported in CDJ 2014 SC 877, Varun Saini & Others v. Guru Gobind Singh Indraprastha University, wherein the Hon'ble Supreme Court has held that unless a student get requisite attendance of 75%, he shall not be permitted to appear in the examination. Similarly, this Court in the decision reported in CDJ 2013 MHC 5473, K.Khayathri and Another v. The Secretary to Government of Tamil Nadu, Department of Technical Education & Others has categorically held that as per regulation VI of the Anna University, the petitioner therein could not move to the next semester until she has required attendance in the previous semester. Therefore, the petitioner cannot expect this Court to condone the absence of the petitioner during VI semester. Therefore, the impugned order passed by the first respondent to redo the semester namely the VI semester as he had not secured adequate attendance cannot be set aside and it is in accordance with clause VI of the Anna University regulation. Hence, this writ petition is liable to be dismissed and accordingly dismissed.

7.Annas University is directed to issue a circular to all the colleges to include the condition in the admission prospectus itself that the student shall not enter the colleges in inebriated condition, failing which they will be removed from the college and they will not be allowed inside the college

campus, so that it will be a deterrent to the students.

8. Before parting with the order, this Court would like to state that this case should be an eye opener for all the students, who are pursuing the education in colleges and schools, not to fall as victim to this kind of unwanted habits, whatever may be the compulsion/reason. In our state, we have got TASMAL shops opened in every nook and corner of the State. The hard earned money of the breadwinner of the family is sucked by the TASMAL and only the balance amount, if any, is being given to the family, making the whole family to starve. The sad part is that the women are compelled to bear the family expenses by going to job or by doing menial works. The consumption of liquor is nothing but destruction of families. Many people have become addicts including school going children. The Government has to tackle the consumption of liquor as it has become a menace to the society.

9. With the above direction and observation, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Registrar, Anna University,
Anna University Campus, Chennai.
2. The Principal, Tamil Nadu College of Engineering,
Karumathampatti, Coimbatore 641 659.
3. The Controller of Examinations,
Office of Controller of Examinations,
Anna University, Chennai 600 025.

+1cc to Mr.M.Vijayakumar, Advocate, S.R.No.24591
+1cc to Mr.P.R.Sankar, Advocate, S.R.No.24229
+1cc to Ms.S.P.Arthi, Advocate, S.R.No.24200

W.P.No.22244 of 2017

PA(CO)
CS/25/04/18