

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2018

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.29376 of 2018
and
W.M.P.No.34328 of 2018

S.Kalpana

... Petitioner

Vs

1.The Tamil Nadu Dr. Ambedkar Law University
rep. by its Registrar,
'Poompozhi',
No.5, Dr.D.G.S. Dinakaran Salai,
Chennai-28.

2. The Controller of Examination,
The Tamil Nadu Dr. Ambedkar Law University,
'Poompozhi',
No.5, Dr.D.G.S. Dinakaran Salai,
Chennai-28.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to permit the petitioner to complete the 5th Semester of LLB (Hons.) 3 year Course by allowing her to appear in the examination and declaring the result by condoning her lack of attendance due to her medical condition.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.V.M.G.Ramakkannan,
Standing Counsel for R1

Mr.K.Karthikeyan,
Government Advocate for R2

O R D E R

This Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to permit the petitioner to complete the 5th Semester of LLB (Hons.) 3 year Course by allowing her to appear in the examination and declaring the result by condoning her lack of attendance due to her medical condition.

2. Learned Counsel appearing for the petitioner submitted that after acquiring Graduation in B.A. History (Hons.) from Delhi University, the petitioner completed her MBA in Marketing from Annamalai University. Thereafter, she also applied for 3 year LLB (Hons.) Course in the 1st respondent University during 2015 and got selected. From the date of admission, the petitioner has been appearing for the classes and also cleared four semesters with a very good score. In the meanwhile, she suffered various health ailments from 2015 and in fact, in 2016, a Surgery was also done to her at Noble Hospital, Purasawalkam. Thereafter, the petitioner had severe problems in continuously sitting for long hours. This fact was also communicated to the respondents and a Medical Certificate to that effect also has been obtained. In view of the above said health problem, the petitioner was unable to attend the classes regularly, as a result, the respondents have not permitted the petitioner to take up the examination in 5th Semester stating the reason that the petitioner has secured less than 75% of attendance in each course.

3. A Counter Affidavit has been filed by the respondents in which it has been stated that the petitioner has attended only 27 days out of 90 working days and thereby secured only 30% of attendance as against the requisite attendance percentage of 75% per Semester. Therefore, she was not allowed to appear in the 5th Semester Examination.

4. The Month wise Attendance Particulars of the petitioner is given as under :

June (5 days)	July (28 days) (22 days + 6 Spl. Classes)	Aug. (18 days) (12 days + 6 Spl. Classes)	Sep. (20 days) (18 days + 2 Spl. Classes)	Oct. (19 days)	Total No. of working days including Spl. Classes attendance (90 days)
1 day	1 day	7 day	9 days	9 days	27 days out of 90 working days.

A perusal of the same clearly shows that as per the Attendance Regulations of the School of Excellence in Law, the petitioner has failed to possess the minimum of 70% of attendance in each course. In view of the lack of attendance, the respondents have not permitted the petitioner to appear for the 5th Semester Examination.

5. The learned Counsel for the respondents submitted that the Regulation 2.1 of the Attendance Regulation of the School of Excellence in Law states that every student has to secure a minimum of 75% of attendance in each course. However, a student put in minimum of 67% attendance, if he/she shall produce the relevant medical certificate explaining the reason as to why he/she was unable to secure 75% of attendance, be allowed to appear in the End Semester Exam. But, in the present case, it is submitted by the learned Counsel for the 1st respondent and the learned Government Advocate appearing for the 2nd respondent that the petitioner has neither produced any medical certificate nor submitted any representation supported with any Medical Certificate before the respondents permitting her to accept her prayer for condonation of lack of attendance.

6. This Court also finds some merit in the submission made by the learned Counsel for the respondents. Firstly, when the petitioner was pursuing her 5th Semester Examination, out of 90 working days, she has attended the college only 27 days and she has secured only 30% of the attendance out of the requisite attendance of 75%. Secondly, though the petitioner has claimed that she suffered some health problem, has not even produced any medical documents in support of the same. A perusal of the typed set of papers filed along with the Writ Petition does not have any Medical Records of the petitioner.

7. In view of all the above, the Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

tsi

To

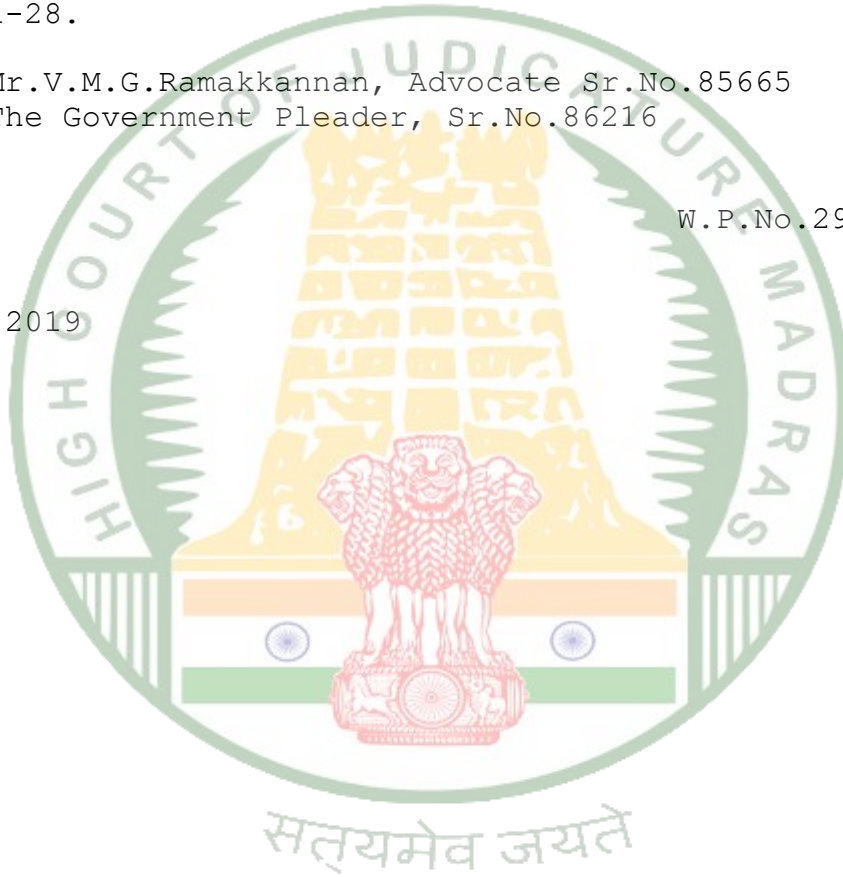
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+1 cc to Mr.V.M.G.Ramakkannan, Advocate Sr.No.85665
+1 cc to The Government Pleader, Sr.No.86216

W.P.No.29376 of 2018

KJ(CO)
CSL/22.01.2019



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