

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2018
Coram

The Hon'ble Mr.Justice T.Raja

Writ Petition No.29597 of 2018
and
W.M.P.No.34563 of 2018

C.Yazhini

...Petitioner

Vs.

1. Tamil Nadu Dr.Ambedkar Law University,
rep. by its Registrar,
Perungudi, Chennai - 600 096.

2. The School of Excellence in Law,
rep by its Director,
Perungudi, Chennai - 600 096.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the respondents to issue hall ticket to the petitioner herein for writing III Year LLB (Hons) Examination and to declare the result for the same.

For Petitioner : M/s.Dakshayani Reddy

For Respondents : Mr.V.M.G.Ramakannan
Standing Counsel

O R D E R

Heard, M/s. Dakshayani Reddy, the learned counsel appearing for the petitioner and Mr.V.M.G. Ramakannan, learned Standing Counsel appearing on behalf of the respondents.

2. The petitioner, C.Yazhini, a student undergoing III year LLB (Hons) Course in the School of Excellence, Chennai, second respondent herein, has come to this Court seeking writ of mandamus directing the respondents to issue hall ticket to write III Year LLB Examination and also to declare the results.

3. The case of the petitioner as stated in the affidavit filed in support of this Writ Petition in short is that she is qualified with B.E. Degree and Master Degree from one of the Universities in U.S.A. After completion of Master Degree in

B.E. she is desirous of to become a Lawyer. Therefore, she got admitted in the second respondent College in the year 2016 and after securing admission, she has been attending regularly the classes and also performing well in all the examinations, as a result, she has also obtained 75% on an average. In the year, 2011, she was married to one Mr.Vijay Rajesh Kumar and is blessed with twin female children in the year 2014. The marital relationship was not good, as she was subjected to harassment at the hands of her husband, and therefore, she left her husband's house once for all and stayed at her parental home in Thanjavore. Since the second respondent, College, where, she is pursuing her Law Degree is situate at Chennai and she having faced with such hectic situation, she was not able to attend the classes regularly. In the interregnum, since the date for final year examination was fixed, the petitioner approached the second respondent College for issuance of hall-ticket to appear for the examination. But, the same has been denied on the ground that she has not secured required attendance. Aggrieved over the same, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

4. The learned counsel appearing for the petitioner would submit that the petitioner is a talented student, and owing to matrimonial problem, she was not in a position to attend the classes regularly and her absence was not deliberate, and, so far as her earlier performance is concerned, she has secured 75% on an average, therefore, she may be shown some indulgence. She further pointed out that the petitioner has not secured less attendance of 36.66% as alleged by the second respondent/College, as, on verification of attendance register, it is found that she has secured 52% attendance, therefore, prays for granting the relief. Lastly, she drew the attention of this Court to on an interim order passed by this Court in a Writ Petition filed by a similarly situated person, viz., Kalpana, in W.P.No.29376 of 2018 and W.M.P.No.34328 of 2018, dated 02.11.2018, wherein, this Court as an interim measure, directed the respondents to issue hall ticket to the petitioner to write the examination and submitted that the petitioner's case may be considered on that score.

5. The learned Standing Counsel for the respondents justified the act of the respondent/College in denying to issue hall ticket to the petitioner by contending that since the petitioner has not secured required percentage of attendance, she has not been permitted to appear for the examination. The learned Standing Counsel also drawn this Court's attention to para No.4 of the counter affidavit, wherein, a tabulated statement showing the details of the petitioner's monthwar attendance is furnished, which is given as under:-

Month wise attendance particulars of Ms.C.Yazhini					Total no.of working days including special classes attendance (90) days
June (5 days)	July (22days + 6 days special classes)	August (12 Days + 6 special classes)	September (18 days+ two special classes)	October (19 days)	
3 days	2days	0	10 days	18days	Attended only 33 days out of 90 working days

6. The learned Standing Counsel, therefore, submitted that from the above, it is clear that the petitioner has attended the classes only for 33 days out of 90 days and for condonation of her absence, 66% to 74% is required, and the petitioner has secured only 36.66%. It is his further submission that even as per the Attendance Regulations of the second respondent/College, every student has to secure a minimum of 75% of attendance in each course, and exemption is given only to the students who has been granted medical leave, but, even on such medical grounds, a minimum of 67% attendance is required, and here, in this case, the petitioner's absence is not on medical ground, but due to some matrimonial dispute, therefore, the respondent College has rightly denied hall ticket to the petitioner. He, therefore, submitted that the Writ Petition filed by the petitioner is totally devoid of merit and liable to be dismissed.

7. Admittedly, the petitioner's has secured only 36.66% of attendance as against 75%, and for condonation of absence, at least 65% to 74 % is required, but the petitioner has not even secured the same. This apart, the reason assigned by the petitioner for her absence is not due to health ground, but, owing to some matrimonial dispute, which is not covered under the Regulations. Therefore, the second respondent has rightly denied to issue hall ticket to the petitioner, which cannot be found fault with. The reliance placed by the learned counsel appearing for the petitioner on an interim order passed by this Court in W.P.No.29376 of 2018 and W.M.P.No.34328 of 2018, dated 02.11.2018 is of no avail, as, it is not known under what circumstances it was given and what is the percentage of the attendance, the petitioner therein has secured.

8. For the reasons stated herein above, this Court is not inclined to show any indulgence to the petitioner as this would dilute the quality and standard of education being well taken by the School of Excellence in Law. Accordingly, the Writ Petition fails and it is dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd

Sd/-

Assistant Registrar(CS V)

//True copy//

Sub Assistant Registrar

To

1. The Registrar,
Tamil Nadu Dr.Ambedkar Law University,
Perungudi, Chennai - 600 096.

2. The Director,
The School of Excellence in Law,
Perungudi, Chennai - 600 096.

+ 1 cc to M/s.Dakshayani Reddy, Advocate Sr 78647

+ 1 cc to Mr.V.M.G.Ramakannan, Advocate Sr 78158

KR/20/11/18

Writ Petition No.29597 of 2018

सत्यमेव जयते

WEB COPY