

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 26.11.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.30670 of 2018 and
W.M.P. Nos.35773 and 35775 of 2016

N.Flavy Jarvis

.. Petitioner

Versus

1.SRM Institute of Science and Technology,
(SRM University),
rep. by its Registrar/Director,
C Block No.1, Jawaharlal Nehru Road,
Vadapalani, Chennai-600 026.

2.The Dean,
SRM Institute of Science and Technology,
(SRM University),
rep. by its Registrar/Director,
C Block No.1, Jawaharlal Nehru Road,
Vadapalani, Chennai-600 026.

3.Head of the Department,
SRM Institute of Science and Technology,
(SRM University),
rep. by its Registrar/Director,
C Block No.1, Jawaharlal Nehru Road,
Vadapalani, Chennai-600 026.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records of the respondents in Proceedings No.Nil, dated Nil/November/2018 wherein the respondents had illegally and arbitrarily debarred the petitioner for the academic year 2018-19 with regard to Bachelor of Business Administration (BBA) Course in the respondents' University and quash the same and direct the respondents to permit the petitioner to continue his BBA course for the academic year 2018-19 in the respondents' University.

For Petitioner : Mr.R.Pavithran

For Respondents : Mrs.B.Saraswathi,
Standing Counsel

ORDER

The writ petition has been filed by the petitioner challenging the Proceedings No.Nil, dated Nil/November/2018, in which he has been debarred from appearing for the examination for the academic year 2018-19 with regard to Bachelor of Business Administration (B.B.A.) Course in the respondents' University and seeking a direction to the respondents to permit him to continue his B.B.A. course for the said academic year.

2.The case of the petitioner is that after obtaining admission in the 1st respondent University on 01.06.2018, he joined the Course of Bachelor of Business Administration and also remitted the Tution Fees for the 1st semester amounting to Rs.85,000/-. Thereafter, he attended the classes as per the University record without any break till the 3rd week of September 2018. While so, on 19.09.2018, when he was riding as a Pillion Rider in a Motor Bike, which was driven by his friend, suffered a major accident in front of V.H.S.Hospital at Rajiv Gandhi Salai, OMR Road, Chennai and due to the same, his left leg got fractured. According to him, his father submitted a medical leave letter to the third respondent herein. Thereafter, the 1st semester examination had commenced in the 1st week of November 2018. When the petitioner verified with the 1st respondent Institution Notice Board, he found that he was debarred from appearing for the examination in November 2018 due to lack of attendance and the notice informed that he was entitled only to redo the 1st year course from the next academic year. On verification with the University, he found that he had attendance of 63.56% for the 1st semester. According to the petitioner, although his father submitted the medical leave form to the respondents, he was debarred from appearing for the examination due to the failure on the part of the respondents in not feeding his medical leave in the computer maintained by the University to record his attendance. Aggrieved over the same, he is before this Court.

3.The learned counsel appearing for the petitioner submitted that it is proved beyond reasonable doubt that in the above said accident took place on 19.09.2018, the petitioner sustained grievous injuries and his left leg got fractured. Learned counsel, drawing the notice of this Court to the discharge summary dated 20.09.2018 issued by the Kumaran Hospital, submitted that the petitioner was operated and a plate was inserted in his left leg. He would further submit that due to the above said accident, his father has submitted the medical leave letter to the third respondent in the format provided by the University on 01.10.2018 and the request for medical leave was also processed and all of a sudden, the petitioner was debarred from appearing for the examination due to the fault of

the respondents in not properly feeding the medical leave in the University System. He would further submit that in view of the error committed by the respondents, the petitioner has been put to grave problem and therefore, he should have been allowed to write the examination without compelling him from re-doing the entire course.

4.The learned Standing Counsel appearing for the respondents submitted that the request of the petitioner cannot be considered, since the University norms for medical leave will be considered for the purpose of condoning the poor attendance only for those students who have gained above 65% and below 75% being allowed to write the examination. But, in this case, the petitioner has not secured 65% of attendance. She further submitted that if the petitioner secured 65% of attendance, he can be given 10% condonation and therefore, he is not entitled to go for the second semester due to his shortage of attendance.

5.In reply, the learned counsel appearing for the petitioner submitted that due to the error committed on the part of the respondents, the petitioner cannot be blamed, as the reason assigned for condonation of lack of attendance is wholly unjustifiable.

6.It is an admitted fact that the petitioner, while riding in the motor bike bearing registration No.TN 01 B5 0777 with his friend, met with an accident in front of V.H.S. Hospital, Chennai and due to which, he sustained grievous injuries and was admitted in the hospital. The discharge summary dated 20.09.2018 issued by the Kumaran Hospital shows that for the fracture sustained on his left leg, a plate was inserted after doing a surgical operation. In view thereof, the petitioner was not able to attend the classes and suffered the lack of attendance and he has secured 63.56% of attendance in the first semester and his father has given a request for medical leave to the third respondent on 01.10.2018. It appears that the same has not been fed properly in the university's computer system.

7.Therefore, under the peculiar circumstances, the petitioner may be permitted to write his first semester examination in the next year since all the examinations are over now. Accordingly, the respondents are directed to permit the petitioner to attend the classes and also to write the examination in the second semester. Since the petitioner has got 63.56% of attendance in the first semester in view of the aforesaid accident and sustained grievous injuries, for which he was also operated by inserting a plate in his left leg, he may be allowed to continue his studies and appear for examination for the academic year 2018-19. It is made clear that this order cannot be cited as a precedent.

8.In view of the above reasons, the writ petition is allowed. Consequently, connected W.M.Ps. are closed. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

vga

To

- 1.The Registrar/Director,
SRM Institute of Science and Technology,
(SRM University),
C Block No.1, Jawaharlal Nehru Road,
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+1cc to Mr.G.Vijay Anand, Advocate, S.R.No. 80273
+1cc to Mr.B.Saraswathi, Advocate, S.R.No. 80987

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SS (CO)
GN (03/12/2018)