



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.452 of 2018

and

W.M.P.Nos.450 and 451 of 2018

WEB COPY

Arul Leo Jones

... Petitioner

vs.

1. The Registrar,
Anna University, Chennai- 600 032.

2. The Controller of Examinations,
Anna University, Chennai- 600 032.

3. The Principal
9213, P.S.N.A, College of Engineering,
and Technology, Dindigul- 624 622. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the third respondent issued in proceedings Ref.No.PSNACET/D1/Attendance shortage/Odd semester/2017-18 dated 15.12.2017 and quash the same and consequently directing the respondents 1 to 3 to permit the petitioner to attend the fourth semester classes commenced on 18.12.2017 and permit the petitioner to attend the third semester examinations along with the fourth semester examinations in the third respondent college.

For Petitioner : Mr.T.M. Madasamy

For Respondents

No.1 and 2: Mr.Rajarajan

No.3 : Mr.K.Vamanan

O R D E R

Since the petitioner had secured only 60% of his attendance for the third semester for the year 2017-2018, he was directed to undergo once again the third semester course for the academic year 2018-2019 through an order dated 15.12.2017 passed by the third respondent herein which is under challenge in the present Writ Petition.

2. It is submitted by the learned counsel for the petitioner that his required attendance for the third semester is 420 periods, out of which, the petitioner had 254 periods, which co-relates to 39 working hours. However, the third respondent had entered attendance as 18 working hours instead of 39 working hours and therefore he is in eligible to take examinations for the third semester.



3. The learned standing counsel for the second respondent submitted that there was an error committed in the digital records showing the petitioner's attendance as 39 working hours, but when the same was verified with the manual attendance records, it was revealed that the petitioner had attended only 18 working hours which works out to only 60% of the attendance. Since the rules of attendance requires 75% of the attendance out of which 10% attendance would be condoned by the university itself, the petitioner is still in short of 5 % of attendance and therefore, he cannot be permitted to attend the third semester examinations. While that being so, since the petitioner has not attended even a single class for the fourth semester, he is dis-entitled to take part in the fourth semester examinations and that he requires to undergo once again both the semesters.

4. The learned counsel for the third respondent also reiterated the same regulations and submitted that the petitioner has also personally verified the manually maintained attendance which evidences that the petitioner possess only 60 % of the attendance.

5. It is not in dispute that an error had occurred while uploading the attendance in the computers and in view of the mistake that had occurred in the digital records, the petitioner was made to believe that he had the required attendance. Therefore, he had earlier filed the Writ Petition in W.P.(M.D) No.20911 of 2017 seeking for necessary relief . However, the examination dates had lapsed when the writ petition was taken for hearing and hence it came to be dismissed as infructuous.

6. I am of the view that the petitioner had immediately come to the court seeking for rectification of the errors and that the mistake committed in the digital records should not be put against him particularly when he is running short of 5% attendance only for the third semester. This observation is made only on sympathetic grounds and this court is conscious of the fact the students should secure 100% attendance and in exceptional cases on medical grounds 35% of the attendance could be condoned.

7. However, in view of the error committed in the digital records, a sympathetic ground can be extended in favour of the petitioner by condoning 5% of his attendance and thereby make him eligible to take part in the third semester examinations. At this juncture, the learned counsel for the third respondent submitted that the examinations have already commenced from today (i.e. 23.04.2018) onwards for the examinations scheduled to be conducted between 23.03.2018 and 12.05.2018. Since this Court intends to facilitate the petitioner to take part in the third semester examinations, it would be desirable that the second and third respondent should endeavour to issue a hall ticket in his favour preferably before 12.00 noon on 24.04.2018 in order to facilitate



him to take part in the third semester examination from 24.04.2018 onwards.

8. Insofar as the prayer for attending the fourth semester classes is concerned, since the petitioner does not have the required attendance for the fourth semester classes, it would not be desirable to permit him to make him re-do the fourth semester classes. It is seen that the fourth semester classes start from the month of December 2018 and thus, the petitioner would be entitled to take part in the fourth semester classes from December 2018 onwards and on successful completion of the fourth semester examination he will be entitled to appear for the examination for fourth semester, subject to possessing the required attendance.

9. It is further made clear that it is only under these extra ordinary circumstances, that this Court is condoning 5% of the attendance for the third semester and this cannot quoted as a binding precedent for similarly places candidates in any college.

10. In the light of the above observation, there shall be direction to the respondents 2 and 3 to issue a hall ticket in favour of the petitioner /Arul Leo Jones, S/o.Anthonysamy to enable him to write the third semester examination for B.E (Electrical and Electronics Engineering) of 24.04.2018 onwards, preferably before 12.00 noon of 24.04.2018, after obtaining necessary application and required fees from him for such process.

11 With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (P&A)

/True copy/

Sub Assistant Registrar

To:

1. The Registrar,
Anna University - 600 032.
 2. The Controller of Examinations,
Anna University, Chennai- 600 032.
 3. The Principal
9213, P.S.N.A, College of Engineering,
and Technology, Dindigul- 624 622.
- +2CC TO M/S.T.M.MADASAMY, ADVOCATE, SR NO.62796
+1CC TO M/S.M.RAJARAJAN, ADVOCATE, SR NO.62882
+1CC TO M/S.K.VAMANAN, ADVOCATE, SR NO.62826

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