



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.04.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.5423 of 2017

R.Saravanakumar

... Petitioner

Vs.

1.The Director of Technical Education,
Department of Technical Education,
Sardar Patel Road, Guindy, Chennai-25.

2.The Principal,
Government Polytechnic College,
Srirangam, Tiruchirapalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to permit the petitioner to participate and write April-2017 final semester practical exams and written exams which commence from 28.03.2017 & 04.04.2017 respectively and publish the results.

For Petitioner	: Mr.S.Sukumar
For R1	: Mr.N.Shanmuga Selvam, Additional Government Pleader.
For R2	: No Appearance

ORDER

The petitioner was prevented from writing final semester practical exams and written exams held in April-2017 for Diploma Course in Civil Engineering in the respondent Polytechnic College for the academic year 2014-2017 on the ground that he possessed only 72.21% of attendance as against the required attendance of 80%.

2.As per Rule (3.3) of the Board of Studies and Examination Rules, the Principal of College is empowered to condone shortfall of attendance by 5%. Even if the 5% is extended to the petitioner, he is still shortfall of 2.79%.

3.It is seen that when the writ petition was pending, by an interim order dated 27.03.2017, the petitioner was permitted to participate in the examinations held in April-2017. However, his results had been withheld. By taking note of the fact that the petitioner has completed his semesters and that he has also written the examination, it would not be appropriate to strictly apply the provisions of law and make him to undergo the semester once again.



In order to secure the ends of justice, it would be appropriate that this Court invokes its power under Article 226 of Constitution of India and directs the respondents to publish the results.

4. In the light of the above observations, there shall be a direction to the first respondent to publish the petitioner's results for final semester examinations held in April 2017 for Civil Engineering Diploma Course in the second respondent Polytechnic College for the academic year 2014-17 and also issue necessary certificates without insisting for further orders from this Court.

5. With this direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

The Director of Technical Education,
Department of Technical Education,
Sardar Patel Road, Guindy, Chennai-25.

+1cc to M/S.S.Selvakumar, Advocate SR.No. 63114

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(2/2)

myr

JM/SV MMS/SAR 1/24.04.2018/2P/3C