

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.39 of 2018

K.Ajin

.. Petitioner

Vs.

1. The Vice Chancellor,
The Tamil Nadu Dr.MGR Medical University,
69, Anna Salai, Guindy,
Chennai-32.
2. The Controller of Examination,
The Tamil Nadu Dr.MGR Medical University,
69, Anna Salai, Guindy,
Chennai-32.
3. The Principal,
Arulmigu Kalasalingam College of Pharmacy,
Krishnankoil, Srivilliputhur,
Viruthunagar Dist.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the entire records pertaining to No.EX.V(3)/22309/2009, dated 13.07.2015, of the second respondent and quash the same and directing the second respondent to publish the result of the petitioner.

For Petitioner : Mr.E.D.Sethupathi

For Respondents: Mrs.P.Rajalakshmi
Standing Counsel RR1 & 2
Mr.K.Krishnan for R3

O R D E R

The writ petition is filed challenging the order passed by the second respondent dated 13.07.2015 and seeking a direction

to the second respondent to publish the result of the petitioner.

2. The petitioner joined the third respondent institution in B.Pharmacy course during August, 2004. Since there was some arrear papers, after duly passing the same, the petitioner continued the fourth year course from 21.01.2009. However, on the ground of lack of attendance, he was not permitted to pay the examination fees and write the fourth year examination. He approached this Court in W.P.No.15023 of 2009, wherein, an interim order was passed permitting him to write the examination with a rider condition that the results shall not be published until further orders from this Court. Armed with the said order, he wrote the examination and was awaiting for the results.

3. The petitioner claimed that the alleged pendency of the writ petition was assigned as a reason for not publishing the results and hence, he withdrew the very writ petition on 25.07.2011. Thereafter, on 14.05.2015, he sent a representation to the respondents 1 and 2 seeking to publish the results, which did not yield any fruit in his favour. Hence, he filed W.P.No.15881 of 2015, which was disposed of on 14.05.2015 directing the respondents therein to consider his representation in accordance with law.

4. Subsequently, the petitioner filed another representation dated 29.02.2016 before the respondents followed by W.P.No.13038 of 2016. This time, the said writ petition was disposed of recording the fact that his request was negatived by the second respondent vide communication dated 13.07.2015. Challenging the same, he is before this Court.

5. Learned counsel for the petitioner submitted that since the petitioner was taking treatment for dislocation of his left leg, he could not attend the classes, which could very well be condoned by the respondents enabling the petitioner to complete the course.

6. On the other hand, learned Standing Counsel for the respondents 1 and 2 submitted that since the petitioner did not fulfil the minimum required eligibility criteria in Internal Assessment marks and attendance and the Regulations of the University do not permit condonation of such deficiency, the request made by the petitioner was rejected.

7. Learned counsel for the third respondent submitted that it has no role in the publication of the results, which is within the domain of the University.

8. Admittedly, the petitioner joined the B.Pharmacy course during 2004 and continued the fourth year course only from 21.01.2009, which landed him in shortfall of attendance. The only reason stated by the petitioner for not attending the course is he was taking treatment, which is not substantiated with any materials. A pharmacy student, who may have to deal with the precious as well as dangerous drugs, which will directly have an impact on the human lives, being the paramedical staff, is expected to maintain discipline in every spheres of life. Hence, the lack of attendance on the part of the paramedical student cannot be brushed aside lightly, that too, in the absence of any proof to the alleged act.

9. For the aforesaid reasons, this writ petition is dismissed as devoid of merits. No costs.

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Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Vice Chancellor,
The Tamil Nadu Dr.MGR Medical University,
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Arulmigu Kalasalingam College of Pharmacy,
Krishnankoil, Srivilliputhur,
Viruthunagar.

+1cc to Mr.A.Sivaji, Advocate, SR.No.26994

+1cc to Mr.E.D.Sethupathi, Advocate, SR.No.27501

W.P.No.39 of 2018

Kak (07/05/2019)