

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 11.11.2019

Pronounced on: 13.11.2019

Coram::

The Honourable Dr.Justice G.Jayachandran

Writ Petition No.26224 of 2019
& W.M.P.Nos.25620, 25622, 25624 & 31662 of 2019

K.Vignesh Kumar,
S/o.R.Kannan,
No.11/158, Lake Road,
Keelboomi,
Kodaikanal - 624 103.
Dindigul District.

... Petitioner

/versus/

1. The Director of Legal Studies,
The Tamil Nadu Dr.Ambedkar Law University,
Chennai - 600 028.
2. The Controller of Examinations,
The Tamil Nadu Dr.Ambedkar Law University,
Chennai - 600 028.
3. The Principal,
Government Law College,
Coimbatore - 641 046.

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, to call for the records connected with the Impugned Redo list for 2018-2019 May (IV semester) II B.A., L.L.B., published on 30.04.2019 by the 3rd respondent and quash the same, in so far as the petitioner is concerned and consequently, directing the respondents to permit the petitioner to complete his Five Year B.A., L.L.B., Integrated Course as per his academic years (2017-2022) and pass orders.

For Petitioner : Mr.S.Sathia Chandran

For R1 & R3 : Mr.V.Kathirvelu
Special Government Pleader

For R2 : Mr.V.Vasantha Kumar

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Counsel for the Respondents.

2. The Petitioner herein is a student of Government Law College, Coimbatore, perusing his five years integrated course in B.A. L.L.B. He got admission into the College in the year 2017. While, he was perusing his 4th semester, he has participated in sports events held in Kolkota and Hyderabad, therefore, he has lost adequate attendance. So, the 3rd respondent/Principal, Government Law College, has directed him to redo the 4th semester.

3. Aggrieved by that, the present Writ Petition is filed, challenging the order of the 3rd respondent, dated 30.04.2019, directed the petitioner herein to redo his 4th semester course.

4. The contention of the petitioner is that, while perusing his 4th semester, he represented the College in the Volleyball tournament held at Kolkata conducted by National University of Juridical Sciences. The event is for three days between 08.02.2019 to 10.02.2019 for to and fro, three days prefix and three days suffix, for 9 days, he has lost the attendance. Similarly, he and his team participated in the Volleyball and Football Tournament held at Hyderabad on 01.03.2019 and 02.03.2019, for to and fro, two days prefix and suffix, he has lost 6 days attendance. Totally, he has attended 36 days in his 4th semester. If 15 days attendance is added to his attendance, he will have sufficient attendance to take up in the examination. Whereas, the 3rd respondent has added only 5 days for participation in the sports events and denied permission to the petitioner to take up his 4th semester examination and asked him to redo the course. Alleging that this will delay the petitioner completion of the course by the year 2020, the present Writ Petition is filed.

5. In the counter filed by the 3rd respondent and the typed set of papers, it is stated that, as per the Bar Council of India Rules and the Attendance Rules and Regulation framed by the Tamil Nadu Dr.Ambedkar Law University, to be eligible to take up the examination, the candidates should have secured atleast 75% of attendance. For candidates who have upto 66% of attendance would be condoned, in case where there is sufficient cause and on payment of fine.

6. As far as the petitioner is concerned, he was placed under Redo list on 30.04.2019 since he did not have sufficient attendance. His participation in the sports events mentioned in the affidavit were not authorised by the University. The Petitioner, on his own, without permission of the University participated in those sports events and therefore, his absence to College for participating in those sports events cannot be condoned. The petitioner herein, while he was perusing his 3rd semester had shortage of attendance however that was condoned since it was within the permissible limit. Whereas, for the 4th semester, out of 70 working days, the petitioner has attended only 36 days. Even after adding five days for his other activities, he fall short of required number of attendance. For a candidates to take up examination, he must have attended atleast 66% of the working days. Whereas, the petitioner has attended only 58% of classes, after adding 5 days of attendance for his extra curriculum activities.

7. The syndicate resolution of the University dated 10.10.1998 reads as below:

"the candidates who have secured less than 66% of attendance have to re-do the full course of one year in the subsequent academic year irrespective of the number of days fall short of attendance, by obtaining prior permission for re-admission from the Director of Legal Studies and the Law University on payment of fees prescribed for re-admission. Condonation, eligibility on recommendation by the Principal of the college is 66% and above but less than 75% candidates securing more than 75% of attendance are eligible to writ the University Examinations."

8. Accordingly, time and again, the Colleges as well as the students being informed about the attendance requirement specified by the Bar Council and the University. This resolution is in consonance to the Bar Council of India, Rule 12. Hence, the 3rd respondent submits that the petitioner who lacks attendance is bound to redo the course and there is no discrimination among the candidates who have shortage of attendance. All the candidates who have attended the sports events were invariable given 5 days attendance and only the candidates who have not secured required attendance even after adding 5 days were asked to redo the semester. For rest of them, either the shortage of attendance is condoned or by adding 5 days attendance, they were found eligible by securing more

than 75% of attendance. The list of candidates who had shortage of attendance and later found to be eligible are condoned or asked to redo is also extracted in the counter affidavit.

9. The Learned Counsel appearing for the petitioner has filed rejoinder as well as additional documents to prove the petitioner has participated in the said two events on the relevant dates, the travel documents are also enclosed. The issue before this Court is not whether the petitioner participated in the sports events, but whether such participation was done with the permission of the college authorities and whether it will entitle him to seek condonation of attendance.

10. From the records produced by either side, it is clear that the participation of the petitioner in the sports events is not pursuant to the permission granted by the 3rd respondent. Without permission the 3rd respondent, the petitioner has participated in the sports events. Though the petitioner claims that, he was authorised as a coordinator for the sports events by the 3rd respondent/Principal, the said averment is denied by the 3rd respondent. No doubt, the students should be encouraged to participate in the sports activities, but in this case, out of 70 days, the petitioner has attended the classes for 36 days and according to him, he has spent 15 days for participation in the sports events including the travel period. Out of which only 11 days were working days. If 11 working days is added to his 36 days attendance, he gets 47 days attendance. 47 days attendance out of 70 days is marginally above 66% of total attendance. Hence if his absence for attending sports meet without permission is condoned, the petitioner gets the required minimum attendance of 66%.

11. The petitioner has committed mistake by attending the sports meet without proper and valid permission. Taking note of his past academic performance, the 3rd respondent is directed to consider the request of the petitioner sympathetically and allow him to continue the course without insisting him to redo his 4th semester. At the same time, through this order, this Court makes it clear that by virtue of the interim order passed in this case, the petitioner shall not be entitle to take up his subsequent 5th semester examination without adequate attendance. He shall be eligible to take up his exams only on securing the required percentage of attendance.

12. Accordingly, the Writ Petition is Party Allowed. No order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

bsm

To,

1. The Director of Legal Studies,
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Government Law College,
Coimbatore - 641 046.

+1cc to Mr.V.Vasantha kumar , Advocate SR.No.34431

+1cc to Mr.S.Sathia chandran , Advocate SR.No. 34415

Writ Petition No.26224 of 2019

A.SK(02/12/2019)