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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 27.11.2019

PRONOUNCED ON : 29.11.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.26662 of 2019

P.Bharath

...

Petitioner

Vs

1.The Registrar,
The University of Madras,
Chepauk,
Chennai - 600 005.

2.The Principal,
DRBCCC Hindu College,
Pattabiram,
Chennai - 600 072.

... Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India for a writ of Mandamus directing the respondents to allow the petitioner to continue studies in the same institution in the same course.

For Petitioners :Ms.M.Saveetha Priyadharshini

For 1st Respondent :Mr.L.P.Shanmugasundaram,
Standing Counsel

For 2nd Respondent : Mr.Madhuri Donti Reddy

ORDER

The petitioner is a student of second respondent college pursuing his BA (Historical Studies). During his second semester studies, he did not have required number of days attendance hence, not permitted to take up his examination. Writ petition is filed seeking mandamus to direct the respondents to allow him to continue his studies.

2.The averments made in the affidavit accompanying the writ petition is that, the petitioner hails from a poor downtrodden family. He joined BA (Historical Studies) in the 2nd respondent



college during the academic year 2018-19. Being the first graduate student in his family, he with much difficulty overcome the initial difficulties and barriers and completed his first semester. During the second semester, he was asked to complete the assignments within 10 days time. He was not able to complete the assignments within the given time. With delay he completed the assignment and presented to the Head Of the Department. The then Head of the Department refused to accept the assignment and made him to stand outside the classroom. He was not granted attendance despite reporting to the class regularly. So, he brought the issue to the notice of the Principal. Even thereafter, he was not permitted to attend the class. Meanwhile, he made all endeavour to remit the examination fees but, the second respondent refused to receive it. Quoting the University Regulation, the petitioner was not allowed to continue his studies.

3.The petitioner therefore, issued lawyer notice to the college management cautioning he will resort to legal action for not permitting him to continue the course. When he approached the 2nd respondent on 23/07/2019 and 24/07/2019 for readmission, the petitioner was directed to obtain written permission from the University. As per their direction, the petitioner on 29/07/2019 along with demand draft for Rs.250/- drawn in favour of Madras University applied for condonation of attendance shortage. Despite payment of the condonation fees, the 2nd respondent did not permit the petitioner to attend the classes. The petitioner has sent representation to the Vice Chancellor of Madras University and the District Collector to intervene and direct the second respondent to readmit him in the College. Since, all his attempt to continue his studies failed and his representations were not considered, the present writ petition is filed.

4.The petitioner alleges that, he was discriminated because of his community and victimised without any adverse remark. He was thrown out from the college arbitrarily and against the principles of the natural justice.

5.The second respondent College has filed counter, denying the allegations made by the petitioner. In the counter, it is stated that the petitioner was not regular in attending the classes. Out of 90 working days, he attended only 23 days, which is 25.56%. For eligible to take up the examinations, a student should have attended atleast 75% of the classes. The petitioner 3/4th of the working day never attend classes. Even if he attend classes, he never bring the Text Book or Notebook to the college. The petitioner used to enjoy disturbing the class room proceedings and prevent the Professors from conducting classes. Because of the behaviour of the petitioner, other students were distracted and disturbed. As part of curriculum, students were



given assignments on various subjects to be submitted within 10 days. The petitioner did not submit his assignments. Even during his first semester, he did not have the requisite percentage of attendance. On payment of penalty, he was permitted to take up his first semester examinations. However, he did not clear all the first semester subjects. During the second semester, the petitioner became more irregular. He was asked to bring his parents. Instead of bringing his parents, the petitioner brought outsiders. According to the Rules of the University pertaining to attendance, the petitioner who lack attendance could not be promoted to second year. Just to side track the lapses on his part, the petitioner is using the word 'downtrodden' to create sympathy.

6.The petitioner claims that, he attended the college regularly but, he was not marked present and therefore, the averment of the college that he lack required attendance is not correct. Whereas, the college contention is that, the petitioner attended only 23 days out of 90 working days. The petitioner claim is not supported by any records. He himself admit that he did not submit his assignments in time and he has given apology letter and promised to mend his way.

7.The learned Standing Counsel representing the University would state that the students who do not earn the requisite minimum attendance, has to redo the course. To accommodate them, the University syndicate has resolved in its meeting dated 16/12/2017, to permit the college to create 5% of sanctioned strength as supernumerary seats for admitting the redo students and break off study students. Such students have to pay Rs.10,000/- to the University in case of UG course.

8.The learned counsel for the second respondent college would submit that, the college never been against the interest of the petitioner. Their concern is about the conduct of the petitioner, which disturbs the other students. Even now, they are ready to readmit the petitioner on payment of fees as prescribed by the University. The admission of the petitioner is subject to permission of the University.

9.The rule of the University and the College prescribes minimum required attendance and also provides for condonation in special cases. The petitioner who has attended only 1/4th of the working days. Having failed to gain the required attendance, his request to permit him to continue his studies without redoing the course is against his own interest.

10.For the sake of sympathy, the Court cannot breach the rules of the University and College. Particularly, the petitioner lacks attendance and he has no plausible explanation for not attending the classes regularly. His social and economic



background cannot be a reason to condone his absence to college. Therefore, this Court finds no merit in this writ petition. Hence, the writ petition is dismissed. No costs.

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Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

jbm

To

1.The Registrar,
The University of Madras,
Chepauk,
Chennai - 600 005.

+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No. 100184
+1cc to Mr.Madhuri Doanti Reddy, Advocate, S.R.No. 100189

W.P.No.26662 of 2019

RK(CO)
GN(09/01/2020)