



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 21.11.2019	Pronounced on: 26.11.2019
-------------------------	---------------------------

Coram::

The Honourable Dr.Justice G.Jayachandran

Writ Petition No.31878 of 2019
& W.M.P.No.32119 of 2019

G.Saravana Priyan,
S/o.Gandhi,
Pandi Main Road,
Thiruvandarkoil,
Pondicherry - 605 102.

... Petitioner

/versus/

1. The Registrar,
SRM University,
Kattankalathur,
Chennai.

2. The Controller of Examinations (Faculty of Law),
SRM University,
Kattankalathur,
Chennai.

3. The Principal,
SRM Law College,
Kattankalathur,
Chennai.

.... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the respondents to consider the representation of the Petitioner dated 07.11.2019 and give attendance for all those days on which classes were attended by the Petitioner and permit the Petitioner to write the examination starting on 13.11.2019 for first year B.A.L.L.B in the 3rd respondent College.

For Petitioner : Mr.A.L.Ganthimathi

For R1 to R3 : Mr.B.Saraswathi, Standing Counsel

O R D E R

Heard the Learned Counsel for the Petitioner and the Learned Standing Counsel for the Respondents 1 to 3.

2. The petitioner herein is a student of 1st Year B.A. LL.B in the 3rd respondent/College. Though the class started in the month of July - 2019, he was given admission only in the month of August 2019 so he joined a little late. For 10 days for want of accommodation in the college hostel, he was attending the classes as day's scholar. During the month of October 2019, he become sick and did not attended the classes. After taking treatment, he started attending college, submitting his medical certificate. On 03.10.2019 and 04.10.2019, after getting permission from the College to participate in the sports with attendance, he participated in the Kabadi game. However, on 31.10.2019, he came to know that, he was debarred from attending the examination, due to deficit attendance and directed to redo the course in the next academic year. He made representation to the 3rd respondent on 07.11.2019 seeking permission to attend the class and take up the examination. The days for which he gave medical certificate and days on which he attended the Kabadi game were not taken into consideration and therefore, he was considered as a person incurring shortage of required attendance to get eligible for taking of the examination, since the examination schedule to commence from 13.11.2019, the present Writ Petition is filed to permit him to take up the examination without insisting redo the course.

3. The respondents, served with private notice appeared through counsel and filed their counter. In the counter, it is stated that as per University regulation and Bar Council of India Regulation, required attendance for a student is 70% of the classes held in any subject. Condonation of shortage of attendance is permissible only if it is above 65%.

4. Rule 11.5 of the University, states that in rare and genuine cases, the committee consisting of Director and Head of the concerned Department will examine the case and recommend suitably to the Vice Chancellor who may give condonation of attendance in deserving cases, but not more than 10%.

5. As far as the petitioner herein is concerned, he has secured only 55.41 of attendance. The Rule 11.4 of University had prescribed minimum requirement of attendance is 70% and allowing the student to use the balance 30% to account for illness, sports meet and unforeseen emergency etc., and further 10% of concession in the attendance will be given based on the recommendation of the committee, which will look into the

genuineness of the case. If any candidate falls below 60% of attendance, it is mandatory for that student to redo the course.

6. As far as the petitioner is concerned, he claims that he attended classes but his presence was not properly marked and the two days of his participation in the Kabadi game was not accounted for. This contention is shoutly opposed by the respondents by furnishing the attendance entry cumulative electronically generated. It is submitted by the learned Counsel for the respondents that the attendance of the subjects is monitored through electronic device and whenever the students are absent from attending classes, same is informed to the students as well as the parents through SMS. The contention of the petitioner that the days he attended were not taken into account is baseless and there is no necessity for the University to declare a candidate to redo the examination, if he has regularly attending the classes.

7. On considering the rival contention, this Court finds that even according to the petitioner, he did not joined the college immediately after commencement of the course but little late in the month of August 2019. He has fallen sick in between and had furnished medical certificate. He has participated in the sports events for two days. The petitioner has also enclosed the Medical Certificate for six days and the letter of granting "on duty" for participating in the Kabadi event. The computer generated attendance entry cumulative has not given "on duty" for his sports participation or considered as ML.

Rule 11.4 of the University Regulation reads as below:

The students must strive to attend all the classes without fail. However, the minimum attendance requirement of 70% allows a student to use the balance of 30% to account for illness, permitted assignments such as job interviews, inter university sports meets, inter-collegiate/inter-university competitions, accidents, unforeseen emergencies etc., An attendance of 70% is considered to be the minimum required for a student to get just enough input on the course syllabus through class room contact hours to make him/her eligible to appear in the end semester examination.

Rule 11.5 Condonation of Attendance. In rare and genuine cases, a committee consisting of the Director and Head of the concerned Department will examine the case and recommend suitably to the Vice Chancellor who may give condonation of attendance in deserving case, but not more than 10%.

Rule 11.6. The teacher shall announce the particulars of all students who have attendance less than 70% in the class copies of the same should also be sent to the Dean (Faculty of Law) and Heads of Departments concerned. The students who have less than 70% attendance will not be permitted to appear in end semester examination.

Rule 11.7. Those students who have not deemed to have completed the semester with reference to the conditions specified above (R.11.6) shall repeat that semester in the next academic year by following the readmission/rejoin procedure.

8. On reading through the regulation, this Court finds that any student of SRM University is bound to attend minimum 70% of the classes to get himself eligible to take up the examination. In the case of the petitioner, he has attended only 55.41%. Though it is contended by the learned Counsel for petitioner that the petitioner attended classes but his attendance was not taken note of. There is no material to substantiate the same. Further, this Court finds no motive on the part of the respondents to disallow the candidate or to force him take up the examination by manipulating his attendance Register.

9. In this regard the Hon'ble Delhi High Court, in the case of Guru Gobind Singh Indraprastha University Vs. Prateek Solanki & another, has discussed about the plea of permitting students who lack attendance and has held as below:-

30. We are therefore of the considered view that attendance of a minimum percentage of classes prescribed in professional courses like

B.A. LL.B/B.B.A. LL.B is non-negotiable. There is no substitute for class room teaching. Conducting classes in the institutions, is a dynamic system which keeps evolving over time. It can be said with certainty that reading books prescribed in the syllabus/curriculum alone can never be enough for imparting and imbibing knowledge, which is always a two way street. Interactive sessions of the students with their teachers during the classes has a deep and lasting effect on their intellectual growth. The cut and thrust of open house debates and discussions, questions and answers posed by the students to the teachers conducting classes and tutorials is a precursor to the experience needed by a law student when he ultimately prepares a brief and appears in Court to advance arguments. The intellect of a student evolves in this process and helps in honing his skills and attaining a higher standard of excellence, which is the underlying object of acquiring a professional degree like law. It is this discourse with their teachers and peers that is engrained forever in the heart of every student as the most cherished and enduring memory of student life. Understanding the doctrines and principles of law and going through the case law prescribed in the curriculum by referring to law books and journals in a routine manner, has its own importance but that goes hand- in-hand with the knowledge that is acquired by a student on attending classes.

10. The said observation squarely applies to the case in hand. Therefore, this Court holds this petition deserves to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

bsm

+1cc to M/s.A.L.Ganthimathi , Advocate SR.No. 98719

+2ccs to Ms.B.Saraswathi , Advocate SR.No. 98617

Writ Petition No.31878 of 2019

sr (CO)
A.SK(06/01/2020)