



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

W.P(MD)No.23019 of 2019

and

W.M.P(MD)Nos.19765 & 19766 of 2019

A.Anand

... Petitioner

vs.

1.The Registrar,
Anna University,
Guindy, Chennai - 600 025.

2.The Controller of Examinations,
Anna University,
Guindy, Chennai - 600 025.

3.The Principal,
Vetri Vinayaga College of Engineering and Technology,
Thottiyam,
Tiruchirappalli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to initiate immediate legal steps to consider the representation of the petitioner vide Roll No.ME18004 dated 21.10.2019 and consequently allow him to writ all third semester examinations scheduled to be held on 07.11.2019 onwards at the third respondent College by collecting the prescribed exam fees a sum of Rs.2,600/- and by issuing hall ticket for the appearance of the examinations.

For Petitioner : Mr.C.M.Arumugam

For RR 1 & 2 : Mr.M.Rajarajan
Standing Counsel

For R - 3 : Mr.K.Maharajan
for Mr.M.S.Jeyakarthik

ORDER

Mr.C.M.Arumugam, learned counsel on record for writ petitioner, Mr.M.Rajarajan, learned Standing Counsel for Anna University on behalf of respondents 1 and 2 and Mr.K.Maharajan, learned counsel representing Mr.M.S.Jeyakarthik, learned counsel for third



respondent are before this Court.

2.To be noted, learned counsel for third respondent submits that Mr.M.S.Jeyakarthik will file Vakalatnama before close of working hours today (04.11.2019).

3.Writ petitioner is present in Court, instructing and assisting learned counsel for writ petitioner. Likewise Mr.P.Thirunavukkarasu, Superintendent in the office of the third respondent College is present in Court assisting learned counsel for third respondent.

4.With consent of all the aforementioned learned counsel, main writ petition is taken up, heard out and is being disposed of.

5.After hearing the matter for some time, it comes to light that the entire matter turns on a narrow compass and therefore short facts shorn of elaboration and unnecessary particulars or in other words factual matrix in a nutshell containing facts imperative for appreciating instant order will suffice.

6.Short facts are that writ petitioner got admission in the third respondent College in Mechanical Engineering Course during academic year 2018-19. This Court is informed that said course is a four year course and would conclude with the end of academic year 2021-22. This Court is also informed that this four year programme is administered by following semester system of two semesters per academic year; that instant Writ Petition now pertains to third semester; that third semester commenced on 01.07.2019 and ended on 19.10.2019.

7.The examinations for third semester are scheduled to commence on 07.11.2019 is what this Court is informed by all learned counsel without any disputation or disagreement.

8.There is also no disputation or disagreement that the attendance in College required to be satisfied by a student to sit for semester examinations is decided on the basis of number of hours of lecture in a semester. The 'hours of lecture' are referred to as 'periods' is what this Court is informed. In instant case, learned counsel for Anna University submits that writ petitioner has 63.4% attendance in third semester, whereas requirement is 75%. It is also submitted that if there is a shortfall of 10% ie., if the attendance is more than 65% but less than 75%, there is a provision to condone on certain grounds.

9.In the instant case, the matter unfurls on a slightly different canvass qua attendance. Writ petitioner was issued with what is captioned as 'Circular' by the third respondent College on 10.09.2019 and the same placed before this Court as part of this

<https://hccases.court.gov.in/hccases/> follows:



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VETRI VINAYAHA
COLLEGE OF ENGINEERING AND TECHNOLOGY

Thottiam, Trichy (Dt.) 621 215.

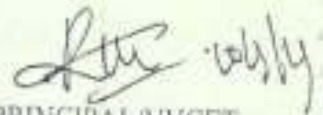
Date: 10.09.2019

CIRCULAR

Due to misbehavior in college the following Second Year Mechanical student is suspended from hostel and College from 10.09.2019 to 19.09.2019 with immediate effect and pending enquiry will be held along with his parents in Chairman Sir Cabin on 20.09.2019.

Sl.No.	Name of the Student	Roll No.	Hosteller/ Day scholar	Room No.
1	A. Ananth	ME18004	Hosteller	125


PRINCIPAL/VVPC


PRINCIPAL/VVCET

Copy to :

1. HOD - Mechanical
2. Dy.Warden (Boys' Hostel)
3. Parents - Through Post ✓
4. Notice Board

10. Adverting to the Circular, learned counsel for writ petitioner submits that aforesaid Circular (which shall hereinafter be referred to as 'suspension order' for convenience and clarity) has been issued to the writ petitioner owing to other undercurrents. It is pointed out that writ petitioner is entitled to subsidy of fee from the Government and when this was pointed out by writ petitioner with regard to previous academic year, that become a trigger for an



issue between third respondent College (which demanded fee from writ petitioner student) and writ petitioner. However, there is no dispute that fee thus far has since been paid albeit by the Government under a grant scheme.

11. With regard to the suspension order, it is pointed out that it is completely vague and bereft of even basic particulars. It is also pointed out that suspension order merely says 'due to misbehaviour' (without any elaboration or details). It is also pointed out that suspension is for a specific period i.e., 10.09.2019 to 19.09.2019. Therefore, it works itself out and there has been no further orders as learned writ petitioner counsel's say. This position is confirmed by learned counsel for third respondent. This is recorded.

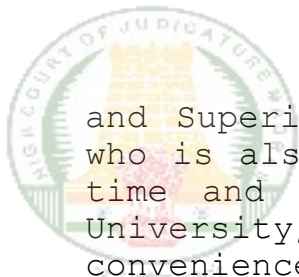
12. Learned counsel for writ petitioner, on instructions, also submits that writ petitioner was not permitted to attend the lectures even after the period of suspension qua suspension order had elapsed. This is also a contentious issue between writ petitioner student and third respondent College.

13. One significant aspect of the matter with regard to ensuing third semester which this Court is informed is scheduled to commence on 07.11.2019 is that, according to learned counsel for writ petitioner if the period of suspension qua suspension order is excluded, writ petitioner will have more than 65% attendance (which is condonable). It also comes to light that no enquiry has been held pursuant to or post suspension order. It is also pointed out that suspension order has been passed without following the guidelines put in place by Anna University in this regard for Colleges affiliated to it.

14. This Court is informed by placing reliance on written instructions to learned Standing Counsel for Anna University that there is a mechanism for redressing grievances regarding problems between a student and a College affiliated to Anna University. This Court is also informed that authority qua this redressal mechanism is 'Director of Anna University, Centre for Student Affairs, Chennai' (hereinafter referred to as 'said Director' for brevity) for looking into these grievances and find solutions / redressals wherever possible.

15. Considering that third semester examinations are in the anvil, this Court deems it appropriate to send this matter to the said Director for redressal of grievances as between writ petitioner student and third respondent College. Therefore, this Court refrains itself from expressing any opinion on the merits of the matter.

16. By consent of all the parties before this Court, hearing is fixed before said Director on 06.11.2019 at 11.00 a.m., at said Director's office. Writ petitioner who is present in Court



and Superintendent in the office of the third respondent College, who is also present in Court will go before said Director on date, time and venue. To be noted, learned Standing Counsel for Anna University, who has taken instructions from / ascertained convenience of said Director and given the date, time and venue.

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17.Though obvious, it is made clear that said Director shall take a decision uninflunenced by / untrammelled by observations made in this order and it is open to said Director to take any decision by way of interim measure leaving open the larger issues to be decided later ie., interim measure regarding writ petitioner writing examinations for third semester which are scheduled to commence on 07.11.2019.

18.To be noted, this order is passed with consent of all parties before this Court.

19.Instant Writ Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

Ps

Encl:

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To

1.The Registrar,
Anna University,
Guindy,
Chennai - 600 025.

2.The Controller of Examinations,
Anna University,
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Chennai - 600 025.

3.The Principal,
Vetri Vinayaga College of Engineering and Technology
Thottiyam,
Tiruchirappalli District.



+1 CC to M/s.M.RAJARAJAN, Advocate (SR-95844[F] dated 04/11/2019)

+1 CC to M/s.C.M. ARUMUGAM, Advocate (SR-95854[F] dated 04/11/2019)

+1 CC to M/s.M.S.JEYAKARTHIK, Advocate (SR-95829[F] dated 04/11/2019)

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