

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 4150 of 2020

V. Gayathri

... Petitioner

-Vs-

1. The Registrar,
Annamalai University,
Chidambaram,
Cuddalore District - 608 002.

2. The Controller of Examinations,
Annamalai University,
Chidambaram,
Cuddalore District - 608 002.

...

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to permit the Petitioner to write the III Semester Examination and to continue her studies in the IV Semester of M.Sc. Geology (Integrated 5 years) Course without any break during the academic year 2019-20 in the Respondent University.

For Petitioner : Mr. G. Pugazhenth

For Respondents : Mr. K. Satheeshkumar
Standing Counsel

O R D E R

Heard Mr. G. Pugazhenth, Learned Counsel for the Petitioner and Mr. K. Satheeshkumar, Learned Standing Counsel who takes notice for the Respondents, and perused the materials placed on record, apart from the pleadings of the parties.

2. This Writ Petition has been filed for a direction to the Respondents to permit the Petitioner to write III semester examination and to continue her studies in IV Semester of M.Sc., Geology (Integrated 5 years) Course without any break during the

academic year 2019-2020 in the University of the Respondents.

3. It is placed on record by the Learned Standing Counsel appearing for the Respondents that the Petitioner had attended 104 hours out of 248 hours, which is not sufficient to permit her to write examination that was held during November 2019, in respect of which results have already been published even before the filing of this Writ Petition. It is further contented that the prospectus issued by the Respondents expressly provides as follows:-

"VIII. Code of Conduct:-

....
4. Students shall attend classes regularly and punctually and should fulfil the minimum attendance requirement of 75% as prescribed by the University, to be eligible to appear for the University Examinations."

"IX. General Instructions:-

....
9.5 General Information:-

....
vi. Re-admission: If there is any attendance deficiency during the study tenure of the student, he/she shall apply for re-admission through the Head concerned along with the photocopy of his/her previous semester/year mark list(s) as proof for having appeared for the University Examinations."

It is settled law as held by the Hon'ble Supreme Court of India in Punjab Engineering College, Chandigarh -vs- Sanjay Gulati [AIR 1983 SCC 580] and followed by the Division Bench of this Court in Dr. M. Vennila -vs- Tamil Nadu Public Service Commission [2006 WLR 207] that prospectus of a course of study in an educational institution is sacrosanct and binding on the candidates, based upon which admissions are made. The relief sought by the Petitioner in this Writ Petition is in flagrant transgression of the aforesaid terms in the prospectus, which cannot be granted.

5. The Hon'ble Supreme Court of India in University Grants Commission Vs. Neha Anil Bobde [(2013) 10 SCC 519] has reiterated the legal position on interference of Courts in academic matters as follows:-

"31. We are of the view that, in academic matters, unless there is a clear violation of statutory provisions, the regulations or the notification issued, the Courts shall keep their hands off since those issues fall within the domain of the experts. This Court in University of Mysore v. C.D.Govinda Rao [AIR 1965 SC 491], Tariq Islam v. Aligarh Muslim University [(2001) 8 SCC 546] and

Rajbir Singh Dalal v. Chaudhary Devi Lal University [(2008) 9 SCC 284], has taken the view that the Court shall not generally sit in appeal over the opinion expressed by the expert academic bodies and normally it is wise and safe for the courts to leave the decision of the academic experts who are more familiar with the problem they face, than the courts generally are."

In view of this legal position, considering the fact that minimum attendance is essential for maintenance of proper standards in education, the prescribed norms in that regard have to be strictly adhered and no exception could be taken to the same. In such circumstances, no fault could be found with the Respondents for not permitting the Petitioner for examinations held during November 2019. There is no justification to entertain this belated claim made by the Petitioner, which lacks merits as well.

6. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS IIII)

//True Copy//

Sub Assistant Registrar

ksa/kv/sj

To

1. The Registrar, Annamalai University,
Chidambaram, Cuddalore District - 608002.
2. The Controller of Examinations,
Annamalai University, Chidambaram,
Cuddalore District - 608002

+1cc to Mr.G.Pugazhenthil, Advocate, S.R.No.15866
+1cc to Mr.K.Sathish Kumar, Advocate, S.R.No.15883

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RJS (CO)
KKV/10/06/2020