

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27-02-2020

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Writ Petition No. 29298 of 2018

Gayathri Chinna Nallasamy

.. Petitioner

Versus

1. The Tamil Nadu Dr. Ambedkar Law University
represented by its Registrar
Perungudi, Chennai

2. School of Excellence in Law
represented by its Director
Perungudi, Chennai.

.. Respondents

Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to issue the hall ticket to the petitioner for writing the fourth year 7th semester and 3rd year 6th Semester exam.

For Petitioner : Mr. Sanjay Ramaswami
For respondents : Mr. V.M.G. Ramakannan
Standing Counsel

ORDER

(Order of the Court was made by R. Subbiah, J)

The petitioner seeks for issuance of a Mandamus to direct the respondents to issue the hall ticket to her for writing the fourth year 7th semester and 3rd year 6th Semester exam.

2. The petitioner was admitted in the respondents college for pursuing B.B.A. L.L.B. (Hons) under the NRI quota. The duration of the course is four years. The petitioner admittedly had passed the three years of the course successfully. According to the petitioner, even during the fourth year of the course, she has attended the College but unfortunately, she was hospitalised during August 2018 and underwent a major surgery for skin grafting segment with ligo on her left leg from ankle to hip, which prevented her from attending her college. Subsequently, she suffered fever due to which she was hospitalised for three days between 24.10.2018 and 26.10.2018 and thereafter continued rest. The petitioner also enclosed a medical certificate issued by Fortis Malar Hospital, Adyar, Chennai to show that she was hospitalised on 24.10.2018 and discharged on 26.10.2018. This, according to

her, had prevented her from attending the college and secure the minimum attendance required to write the semester examination. It is also contended that as per part of the academic curriculum, she had taken part in NSS activities for five days which days has to be deducted from the actual days of not attending the college, but the said benefit was not given to her. The respondents, without considering the above, refused to issue hall ticket to her to write the semester examination and therefore, she has filed the present writ petition.

3. The learned standing counsel appearing for the respondents would vehemently contend that no indulgence can be shown to the petitioner who has not attended the college for several days. When the petitioner did not secure the minimum required attendance, she is not entitled to write the next semester examination. According to the learned standing counsel, even from the academic year 2015-2016, the petitioner did not secure the attendance and paid the condonation fee. During the VII semester, the petitioner has secured only 18% of attendance which is below the minimum percentage prescribed even for condonation. Further, the petitioner has suppressed the fact she had one arrear paper in the second year (4th semester) of the course and without clearing the same, she cannot be permitted to write the next semester examination. As per Tamil Nadu Dr. Ambedkar Law University, when a student does not secure minimum required attendance, he or she must re-do the entire semester in the subsequent academic year. Even the petitioner is fully aware that she could not be permitted to move to the next higher semester during the academic year 2018-2019 due to lack of attendance. The learned Standing counsel for the respondents also denied that the petitioner had participated in the other duties for five days warranting the respondents to adjust those days out of the period during which she did not attend the college. When the petitioner had secured only 22.03% of attendance during the seventh semester, she could not be permitted to write the examination and as per the University regulation, she has to re-do the entire semester. Therefore, the learned counsel for the respondents prayed for dismissal of the writ petition.

4. We have heard the counsel for both sides and perused the materials placed. During the pendency of this writ petition, this Court passed an order on 02.11.2018 directing the respondents to issue hall ticket to the petitioner to write the III year 6th semester and IV year 7th semester examinations pending disposal of the writ petition. Accordingly, the petitioner was permitted to write the examinations but the result of the same have been withheld. Subsequently, the petitioner was also permitted to attend the next semester classes which commenced from 04.12.2018 without prejudice to their rights to defend this writ petition. Now, the petitioner has written the VII, VIII and IX semesters for which results have to be declared by the respondents.

5. It is seen from the records that the petitioner did not secure the minimum attendance required to proceed to the next semester. According to the respondents, when the petitioner did not secure the minimum percentage of attendance, she could not be permitted to write the semester examination as per the University norms. However, in compliance with the directions issued by this Court, the petitioner was permitted to write the examination. It is needless to mention that in an educational institution, more than academic curriculum, the respondents have to follow certain principles to ensure strictest discipline among the student by scrupulously following the norms prescribed by the University.

6. In the present case, admittedly, the petitioner did not secure the minimum attendance, for which the petitioner has cited medical reasons for not turning to the classes. The prayer sought for in the present writ petition itself is to direct the respondents to issue hall ticket to enable the petitioner to write the fourth year 7th semester and 3rd year 6th Semester exam. Subsequently, by virtue of the interim order, the petitioner has also written the VII, VIII and IX semester examinations.

7. It is to be noted that the petitioner joined the course during the academic year 2015-2016 and now she has also written all the examinations and awaits for the result. Even though the petitioner is not justified in filing the present writ petition, when she admittedly did not secure the requisite minimum percentage of attendance, taking note of the facts and circumstances that the petitioner had written all the examinations and now she is legitimately expecting her results for the VII, VIII and IX semester examinations to be declared, the results can be ordered to be declared. However, this order shall not be cited as a precedent. This order is passed only taking note of the peculiar facts and circumstances involved in this writ petition and this order cannot be taken as if this Court has condoned the lack of attendance on the part of the petitioner herein.

8. In the result, the writ petition is disposed of by directing the respondents to declare the results of the petitioner for the VII, VIII and IX semester examinations forthwith. No costs. Connected WMPs are closed.

Sd/-
Assistant Registrar

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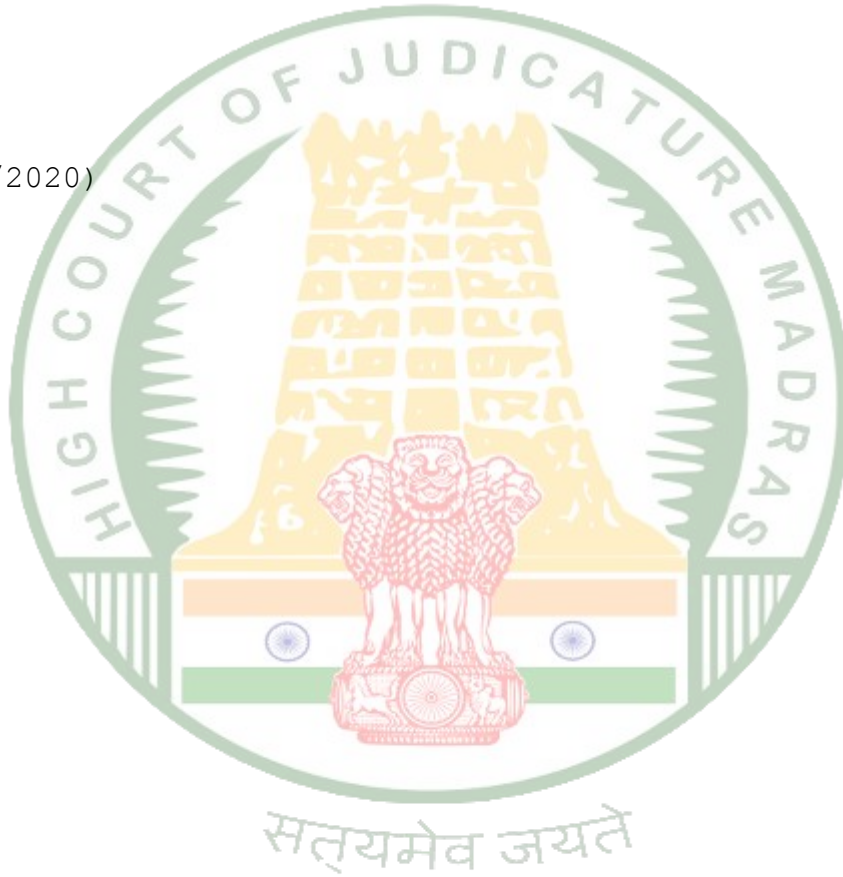
Sub Assistant Registrar

To

1. The Registrar
Tamil Nadu Dr. Ambedkar Law University
Perungudi, Chennai
 2. The Director
School of Excellence in Law
Perungudi, Chennai.
- +1cc to Mr.Sanjay Ramaswami, Advocate, Sr.No.17286.

WP No. 29298 of 2018

RSI (CO)
klt(20/05/2020)



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