



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P (MD) No. 5129 of 2021

and

W.M.P. (MD) .Nos. 4118 and 5739 of 2021

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M. Pooja Amsavathi

.. Petitioner

Vs.

1. The Vice-Chancellor,
The Madurai Kamaraj University,
Nagamalai Pudukottai,
Madurai.

2. The Registrar,
The Madurai Kamarajar University,
Nagamalai Pudukottai,
Madurai.

3. The Principal,
VPMM Arts & Science College,
VPM Nagar,
Krishnan Kovil,
Srivilliputhur Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to accept the petitioner's exam fees and permit the petitioner to attend classes of 3rd year, B.Sc., Physics at VPMM Arts & Science College, VPM Nagar, Krishnan Kovil, Srivilliputhur Taluk, Virudhunagar District on the basis of the petitioner's representation dated 25.02.2021.

For Petitioner : Mr. T. Indrachithu

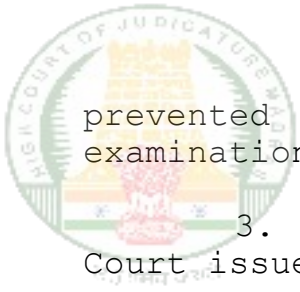
For Respondent No. 2 : Mr. Ragatheeshkumar

For Respondent No. 3 : Mr. T. Cibi Chakkraborthy

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the 3rd respondent College to permit the petitioner to attend the classes for the 3rd year B.Sc., Physics.

2. The case of the petitioner is that she is studying B.Sc., Physics in the third respondent College. The petitioner got married to one Manikandan on 27.01.2021 and this was opposed by the parents. A compliant seems to have been given to the police and a complaint was also given to the third respondent College. Thereafter, the petitioner was not permitted to attend the classes and she was



prevented from participating in the internals and practical examination.

3. When the matter came up for hearing on 10.03.2021, this Court issued notice to the respondents.

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4. The petitioner has filed W.M.P.(MD).No.5739 of 2021 to direct the respondents to permit the petitioner to write the semester examination that is slated to commence from 15.04.2021.

5. The learned counsel appearing on behalf of the third respondent College submitted that the College has nothing to do with the personal affairs of the petitioner and the petitioner was never prevented from attending the classes. It was further submitted that the physical classes commenced from 07.12.2020. The petitioner attended the physical classes from 07.12.2020 up to 11.01.2021. Thereafter, the petitioner stopped coming to the College and she did not take the internals or the practical examination. That apart, the petitioner has only 34.60% attendance and she will not be eligible to take the examination during this semester.

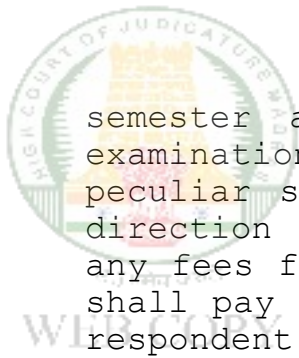
6. The learned counsel for the third respondent College further submitted that the petitioner will be permitted to attend the classes in the re-semester and will be allowed to take the examination for the 6th semester during April 2022. The learned counsel therefore submitted that the third respondent College has no personal animosity against the petitioner and she is made to re-do the semester only on account of lack of attendance.

7. This Court has carefully considered the submissions made on either side and the materials available on record.

8. It is clear from the submissions by the learned counsel appearing on behalf of the third respondent College that the College has no hesitation to permit the petitioner to attend the re-semester and take her examinations during April, 2022. The College was not in a position to allow the petitioner to take the final semester examination since she lacked sufficient attendance. It was brought to the notice of this Court that the petitioner had possessed only 34.60% attendance. University prescribes the minimum attendance requirements for taking the examination and the third respondent cannot flout such requirements.

9. In the present case, the petitioner has not taken the internals and also the practical examination and no useful purpose will be served even if the petitioner is permitted to take the final semester examination. This is, more so, since the petitioner is undergoing B.Sc., Physics Course.

10. In view of the above, there shall be a direction to the third respondent College to permit the petitioner to undergo the re-



semester and allow the petitioner to write the final semester examination during April, 2022. Taking into consideration the peculiar situation faced by the petitioner, there shall also be a direction to the third respondent not to insist for the payment of any fees from the petitioner for the sixth semester. The petitioner shall pay the necessary fees for doing the re-semester in the third respondent College.

11. With the above directions, this writ petition is disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Vice-Chancellor,
The Madurai Kamaraj University,
Nagamalai Pudukottai,
Madurai.
- 2.The Registrar,
The Madurai Kamarajar University,
Nagamalai Pudukottai,
Madurai.
- 3.The Principal,
VPMM Arts & Science College,
VPM Nagar,
Krishnan Kovil,
Srivillipudhur Taluk,
Virudhunagar District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-15772[F] dated 15/04/2021
+1 CC to M/s.T.CIBI CHAKRABORTHY, Advocate (SR-15884[F] dated 15/04/2021)

W.P (MD) No. 5129 of 2021
09.04.2021