

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.11528 of 2022
and WMP Nos.11008 and 11010 of 2022

C.Thennavan

... Petitioner

Vs

1. SRM Institute of Science and Technology,
(Deemed to an University u/s 3 of UGC Act),
Rep by its Vice Chancellor,
SRM Nagar, Kattankulathur,
Kanchipuram - 603 203.

2. Controller of Examination,
SRM Institute of Science and Technology,
14th Floor, SRM University Building,
SRM Nagar, Kattankulathur,
Kanchipuram - 603 203

..

Respondents

Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents to permit the petitioner to attend the Fourth Semester classes of B.Tech., (Biotechnology) course in 1 & 2 Respondents university commenced from March 2022 forthwith and consequently permit the petitioner to write the Third Semester Examination by attending Supplementary Examination to be conducted by Respondent University, even by permitting the Petitioner to attend compensatory classes, in consideration of representation submitted.

For Petitioner : Mr.G.Sankaran

For Respondents: Ms.B.Saraswathi

ORDER

The petitioner has filed the writ petition for a Mandamus seeking for a direction to the respondents to permit the petitioner to attend the Fourth Semester classes of B.Tech., (Biotechnology) course in Respondent University that commenced from March 2022 forthwith and consequently permit the petitioner to write the Third Semester Examination by attending

Supplementary Examination to be conducted by the Respondent University.

2. Heard Mr.G.Sankaran, learned counsel for the petitioner and Ms.B.Saraswathi, learned counsel for the respondent University.

3. Admittedly, Fourth Semester classes have already commenced in March 2022 itself and ends in the first week of July 2022. Since Fourth Semester classes are almost going to come to an end, the relief sought for by the petitioner cannot be granted at this stage. The petitioner, due to lack of attendance, has been detained by the respondent University and has not been allowed to attend classes from Third Semester onwards. The petitioner claims that due to medical reasons, he was unable to attend the classes and only due to the said reason, there was lack of attendance. However, the respondents state that even for medical reasons, 10% concession can alone be shown and beyond 10% concession, when there is a short fall, the petitioner cannot be allowed to attend the classes as per the Regulations.

4. According to the respondents, the petitioner's attendance in respect of Third Semester is between 43% and 55%. However, according to the learned counsel for the petitioner, the petitioner's attendance is 51%. Since the relief sought for in this writ petition has now become infructuous, in view of the fact that Fourth Semester classes will come to an end in the first week of July 2022, no relief can be granted by this Court as sought for by the petitioner in this writ petition. However, considering the fact that the petitioner is a student, who intends to complete his B.Tech (Biotechnology) course as seen from the affidavit filed in support of the writ petition, the respondent University can once again consider his representation seeking for continuation of B.Tech (Biotechnology) course in the respondent University and also for writing the examination.

5. This Court has not expressed any opinion with regard to the merits of the contentions raised by the petitioner and no prejudice would be caused to the respondent University if the petitioner is allowed to submit a representation as stated supra and the respondents are directed to consider the representation of the petitioner and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioner.

6. After recording the submissions made by the respective learned counsels, this writ petition is disposed of by permitting the petitioner to give a representation within a period of one week from the date of receipt of a copy of this order to the respondent University requesting them to permit him

to a) continue with his B.Tech (Biotechnology) course; and b) write the Third Semester examination, and the respondent University, on receipt of the said representation, shall consider the same and pass final orders on merits and in accordance with law, within a period of two weeks thereafter.

No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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Kanchipuram - 603 203

+1cc to Mr.G.Sankaran, Advocate, S.R.No.41676
+1cc to Ms.B.Saraswathi, Advocate, S.R.No.41148

W.P.No.11528 of 2022

GSM(CO)
CT/22/07/2022