



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.06.2022**

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.11243 of 2022

and

W.M.P. (MD) No.8019 of 2022

WEB COPY

S.Shiny Josena

... Petitioner

/vs./

1.The Manonmaniam Sundaranar University,
represented by its Registrar,
Abishekapatti, Tirunelveli 627 012.

2.The Principal,
St.Mary's College (Autonomous),
ECR Road (SH-49),
Cruz Puram,
Thoothukudi 628 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to allow the petitioner to write the 6th and final semester examination in B.Sc., (Psychology) to be held from 10.06.2022 to 17.06.2022 at the 2nd respondent college, based on the petitioner's representation to the 1st respondent on 03.06.2022 and the personal request with the 2nd respondent from 02.06.2022 within the period stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh

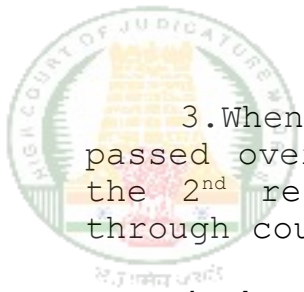
For R1 : Mr.M.Ajmalkhan Senior Counsel for
M/S.Ajmal Associates

For R2 : Mr.Ragadeesh for
M/S.Issac Chambers

ORDER

Heard the learned counsel appearing for the writ petitioner, learned Senior Counsel for the 1st respondent and the learned counsel for the 2nd respondent.

2.The petitioner is undergoing B.Sc (Psychology) course in the 2nd respondent college. She had successfully completed the first 5 semesters. She suffers from lack of attendance as regards the 6th semester. Therefore, the respondents have not issued the hall-ticket. Questioning the same, this writ petition has been filed.



3. When the matter was listed for admission this morning, I passed over the matter, so that instructions can be obtained from the 2nd respondent college. The 2nd respondent entered appearance through counsel.

4. The learned counsel appearing for the 2nd respondent college submitted that the total number of days is 88. If the petitioner had attended even 60% of the classes, then the shortfall can be condoned. If the attendance is below 60%, then it is beyond condonation. In this case, the petitioner had attended only 45 days. That means, she has only 48% attendance. Since, it is beyond condonation, it is not possible to issue hall-ticket.

5. I find that the objection raised by the learned counsel for the 2nd respondent is well founded. Admittedly, the petitioner is having shortfall in attendance. The shortfall is also beyond condonation. In such cases, it has been consistently held that the Court would not be justified in issuing a direction permitting the petitioner to take the examinations. Therefore, I am not in a position to grant the relief.

6. The writ petition is dismissed, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

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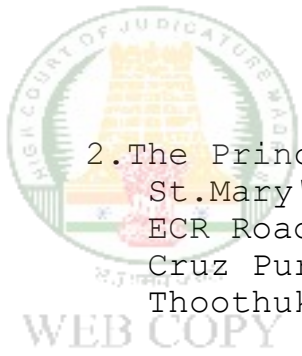
/ /2022

Sub Assistant Registrar (CS)

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 Registrar
Manonmaniam Sundaranar University,
Abishekapatti, Tirunelveli 627 012.



2.The Principal,
St.Mary's College (Autonomous),
ECR Road (SH-49),
Cruz Puram,
Thoothukudi 628 001.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-25016[F] dated 10/06/2022)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-25017[F] dated 10/06/2022)

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-25039[F] dated 10/06/2022)

W.P. (MD) No.11243 of 2022
09.06.2022

SS(20/06/2022) 3P 6C