



W.P(MD)Nos.6318 & 6719 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.6318 & 6719 of 2014

and

M.P(MD)No.1 of 2014

(In W.P(MD)No.6318 of 2014)

M.Karthik Raja

... Petitioner

Vs.

1.The Chairman Board of Examination,
Department of Technical Education,
Government of Tamil Nadu,
Chennai-600 025.

2.The Principal,
Arulmigu Palaniandavar Polytechnic College,
Palani, Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the second respondent, dated 17.03.2014 and quash the same and consequently direct the respondents to allow the petitioner to write the sixth Semester examination in D.C.E. Course in the second respondent College and publish the result.



WEB COPY



W.P(MD)Nos.6318 & 6719 of 2014

For Petitioner : M/s.S.Karthik
For R-1 : M/s.J.John Rajadurai
Government Advocate
For R-2 : M/s.K.Govindarajan

(In W.P(MD)No.6719 of 2014)

M.M.Karthik

... Petitioner

Vs.

1.The Chairman Board of Examination,
Department of Technical Education,
Government of Tamil Nadu,
Chennai-600 025.

2.The Principal,
Arulmigu Palaniandavar Polytechnic College,
Palani, Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of the second respondent, dated 17.03.2014 and quash the same and consequently direct the respondents to allow the petitioner to write the sixth Semester examination in D.C.E. Course in the second respondent College and publish the result.

For Petitioner : M/s.S.Karthik
For R-1 : M/s.J.Kameswaran
Government Advocate
For R-2 : M/s.K.Govindarajan



W.P(MD)Nos.6318 & 6719 of 2014

COMMON ORDER

The present Writ Petitions have been filed challenging an order issued by the Polytechnic College, under which, the petitioner was not permitted to appear for the sixth semester examination, on the ground of lack of attendance.

2. The petitioner in W.P(MD)No.6318 of 2014 had secured 71% attendance and the petitioner in W.P(MD)No.6719 of 2014 had secured 72% attendance in the sixth semester. The attendance that is required for being eligible to appear for the Board examination is 80%. However, lack of attendance up to 5% can be condoned on medical grounds. Hence, a candidate has to secure a minimum of 75% attendance to appear for the Board Examination. In the present case, both the candidates have secured less than 75%.



W.P(MD)Nos.6318 & 6719 of 2014

3. The petitioner in W.P(MD)No.6318 of 2014 has produced a medical certificate to the effect that, he has suffered a fracture and could not attend the College due to his medical ailment. Had he attended the said period, he would have achieved 75% attendance and he would have been eligible for appearing in the Board Examination.

4. The petitioner in W.P(MD)No.6719 of 2014 has also cited medical reasons and produced a medical certificate to the effect that, he has suffered peptic ulcer and could not attend the College. These two medical certificates totalling a period of seven days for not attending the College. According to the petitioner in W.P(MD)No.6719 of 2014, if he had attended the College for these seven days, he could have achieved the attendance of 75% and would have been eligible for appearing in the Board Examination.

5. This Court has carefully considered the medical certificates filed by both the students, who are arrayed as petitioners in these writ petitions. If the petitioners had attended the classes on these days, they could have achieved the 75% attendance and they would have been



W.P(MD)Nos.6318 & 6719 of 2014

permitted to write the Board Examination. However, they were not permitted to appear for the Board Examination in the year 2014. Now, after a period of eight years, the matter is being listed before this Court.

6. The learned Government Advocate representing the first respondent has informed the Court that, both the petitioners have appeared for the Board Examination, by way of an interim order passed by this Court. The results were not declared due to the interim orders. However, now the learned Government Advocate for the first respondent, on instructions, submits that both the petitioners have failed in all the papers in the sixth semester examination and they have to re-appear for all the papers, in which, they have failed.

7. Considering the fact that, the time has lapsed for more than eight years, it may not be advisable to re-induct them into the College at this age and direct them to redo the sixth semester. In view of the above said facts, the orders impugned in the writ petitions are set aside. The respondents herein are directed to permit the petitioners to appear for all the papers, in which, they have failed in the sixth semester examination,



W.P(MD)Nos.6318 & 6719 of 2014

without insisting on the regulation relating to attendance.

WEB COPY

8. With the above said observation, both the writ petition stands allowed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

18.11.2022

Index : Yes / No
Internet : Yes / No
btr

To

- 1.The Chairman Board of Examination,
Department of Technical Education,
Government of Tamil Nadu,
Chennai-600 025.
- 2.The Principal,
Arulmigu Palaniandavar Polytechnic College,
Palani, Dindigul District.



W.P(MD)Nos.6318 & 6719 of 2014

R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)Nos.6318 & 6719 of 2014

18.11.2022