



W.P(MD)No.8665 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)No.8665 of 2014

and

M.P(MD)No.1 of 2014

J.Dharshana Stephy

... Petitioner

Vs.

1.The Tamil Nadu Teachers Education University,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai-600 005,
Represented by its Registrar.

2.Good Shepherd College of Education,
Holy Cross College Road,
Nagercoil-4,
Kanyakumari District-629 004,
Represented by its Correspondent.

3.The Principal,
Good Shepherd College of Education,
Holy Cross College Road,
Nagercoil-4,
Kanyakumari District-629 004.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent, pertaining to his order in letter No.Nil, dated 16.04.2014, on his file, issued to the petitioner, quashing the same and directing the respondents to permit the petitioner to take the B.Ed. Degree Examinations of May-June, 2014, conducted by them, condoning the shortage of attendance for the petitioner.

For Petitioner : M/s.K.P.Narayanakumar
For R-1 : M/s.F.Deepak
For R-2 & R-3 : M/s.Mohamed Suhail
for M/s.Ajmal Associates

ORDER

The present Writ Petition has been filed challenging the order passed by the third respondent herein, under which, the petitioner was not permitted to appear for the final semester examination in the B.Ed., Course, which she was pursuing in the third respondent College.

2. According to the petitioner, she joined one year B.Ed., course in the academic year 2013-2014, in the third respondent College. Her parents have arranged for a marriage, which was held on 20.11.2013.



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According to the petitioner, she had attended the College till 19.11.2013.

However, after marriage, she could not attend the College for a brief period and thereafter, she resumed attending the College from 21.01.2013. Since the petitioner was on the family way and due to health related issues she could not attend the College for the teaching practice. Her health got deteriorated badly in February 2013 and she could not attend the College on these days.

3. The petitioner has further submitted that she was hospitalized and she was advised to take bed rest from 24.03.2014 onwards. In view of the above said facts, she could not achieve the attendance, that was required for appearing for the B.Ed., examination. Hence, the present impugned order has been passed, rejecting her request to appear for the University Examinations.

4. The learned Counsel for the petitioner brought to the notice of the Court a judgment of this Court reported in **2008 (1) CTC page 374 (Kavitha Rajagopal Vs. The Registrar, The Tamil Nadu DR. Ambedkar Law University)** where, a Single Judge of this Court while considering



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the maternity relief in case of women students has arrived at a finding that the absence, due to the maternity issues have to be condoned and the women students should be permitted to continue their studies. Paragraph No.5 of the said judgment is extracted as follows:

*"5. In view of the above decisions and the various International Conventions, which ensures the State Parties to permit equal participation of women in all areas, the petitioner shall be permitted to continue her studies on payment of condonation fees for the lack of attendance for the third year. I am conscious that the rules of the respondent College do not permit condonation of lack of attendance below 66%. But the cases like the petitioner's viz., women students, who want to pursue their studies but are unable to attend the college for the required number of days because of child birth, may not arise frequently but only in exceptional cases. So, I am of the view that a direction can be given as given by the learned Judge in the decision reported in **Nithya Vs. University of Madras, 1996 WLR 802**, referred to supra."*

5. In view of the above judgment of this Court, the order impugned in the writ petition is set aside. The petitioner has appeared for the examinations under the interim orders passed by this Court. However, the



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results have been withheld. The first respondent is directed to publish the results. In case, if the petitioner had passed the examination, the first respondent is directed to issue the degree certificate to the petitioner, on payment of necessary charges including, the charges for condonation of delay.

6. With the above said observation, 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 Registrar,
The Tamil Nadu Teachers Education University,
Lady Willingdon College Campus,
Kamarajar Salai,
Chennai-600 005.

2.The Correspondent,
Good Shepherd College of Education,
Holy Cross College Road,
Nagercoil-4,
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R.VIJAYAKUMAR, J.

btr

3.The Principal,
Good Shepherd College of Education,
Holy Cross College Road,
Nagercoil-4,
Kanyakumari District-629 004.

Order made in
W.P(MD)No.8665 of 2014

18.11.2022