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W.P.No.24745 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM : JUSTICE N.SESHASAYEE

W.P.No.24745 of 2023
and WMP.Nos.24184, 24185 & 24186 of 2023

S.Parimala

..... Petitioner

Vs

1.The Anna University

Rep by the Controller of Examinations
Sardar Patel Road,
Guindy, Chennai - 600 025.

2.The Registrar

Anna University
Sardar Patel Road
Guindy, Chennai - 600 025.

3.University College of Engineering (BIT Campus)

Rep by its Dean
Anna University
Tiruchirappalli - 620 024.

..... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records on the file of the first respondent made in letter No.8100/COE/C31/2023-22806 dated 11.08.2023 and quash the same insofar as the same preventing the petitioner's son S.Kotteswaran having Registration Number 810020114049 from attending the VII Semester



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Classes and consequently direct the respondents to permit the petitioner's son to continue his education in the VII Semester of B.E., Mechanical Engineering.

For Petitioner : Ms.Selvi George

For Respondents : Mr.U.Baranidharan
Addl Government Pleader for R1 to R3

ORDER

This petition is filed by a certain Parimala, who has filed it on behalf of her son Kotteeswaran, seeking to quash the proceedings of the Anna University, the first respondent, dated 11.08.2023 in terms of which Kotteswaran, who is prosecuting his B.E.(Mechanical) in the 3rd respondent college run by the University was barred from sitting for the 6th semester examination, on the ground that the student concerned has only 61% attendance as against the required 75% attendance in terms of its guidelines. It was also indicated that Kotteswaran cannot automatically move to the 7th semester without the specific orders of the Court.



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2. According to Kotteswaran, he was down with Typhoid, and hence he could not attend the college between 08.02.2023 to 16.02.2023, 17.04.2023 to 20.04.2023 and from 24.04.2023 to 29.04.2023, and that he had produced necessary medical certificate and documents to the University, but the University did not accept it. Hence, the petitioner approached this Court with W.P.No.16625 of 2023, and this Court vide its interim order dated 02.06.2023, had permitted the petitioner's son to sit for the VI semester examination that was to commence from 03.06.2023, but it still underscored that the results would be published subject to the outcome of the writ petition. The petitioner's son has since wrote all his examinations, and since the object was accomplished, the said writ petition was withdrawn.

3.1 Now, vide the impunged proceedings dated, 11.08.2023, the first respondent had informed the candidate that (a) before final orders could be passed in W.P.No.16625 of 2023, the said petition was withdrawn, and, (b) that the candidate concerned, inasmuch as did not have adequate attendance as prescribed, he has to get a readmission order from the Directorate of Technical Education (DOTE) and the Director, Centre for Student Affairs, and must re-do his VI semester.



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3.2 On the issue of attendance, the stands of the University is that, any shortage of attendance can be condoned only up to 10%, which implies, if student has 65% attendance, that can be condoned to make it 75%, but not when a student has only 61%, because, even if another 10% is added to it, it will still be 71% and not 75%.

4. The petitioner alleges that in the respondent-college, the student representatives are directed to collect the attendance details of their wards, and this resulted in a situation whether the petitioner's son was shown to have insufficient attendance, due to the fault of the student representative.

5. This allegation of the petitioner is stoutly denied by the the respondents. According to the respondents, the petitioner's son has only obtained 61% of attendance, and that he must possess a minimum of 65% of attendance for him to get condonation of attendance. The second aspect that the respondent counsel highlighted is that there are about 18,000 students studying in the respondent-University, and if the attendance of the petitioner's son is now condoned, it will set a bad precedent, and it will breed indiscipline.



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6. The concerns of both sides have been carefully evaluated. This Court carefully went through the score card/ mark-sheet of the petitioner's son in the last five semesters, and found that he has creditable scores in most of the subjects in the five semesters. He has scored 'Outstanding' (O), in a couple of subjects, and in most of the subjects he has A, A⁺, and few B⁺ and a rare B grade.

7. The student's concerns have come out with two versions for his lack of attendance. He would cite his illness as a ground in his arguments, but his mother, the petitioner herein, would aver in affidavit that the student's representative has played mischief. There is no proof that attendance was collected by the student representative, and this cannot be accepted. This Court merely considers that the petitioner has invented a ground in desperation to ensure that her son prosecutes his studies.

8.1 Turning to the issue, after taking into consideration the general performance of the student, this Court deems it appropriate that the shortage of attendance of the petitioner's son must be condoned. After all, someone who performs reasonably well should not be let to suffer, and the system should not be too rigid to inflict injury on the promising



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future of the candidate involved. This Court, therefore directs the University, the first respondent, (a) to condone the shortage in attendance, and publish the results of the petitioner's son Kotteeswaran in the VI semester, and (b) to allow him to continue his rest of his studies in the third respondent-college.

8.2 The University is informed that Kotteeswaran will attend his 7th semester classes from 25.09.2023, subject to he paying necessary tuition fees, for which, the portal is directed to be opened to enable him to make his payment. And, since this situation has largely occasioned because the University had read its attendance guidelines too strictly, any shortage in attendance which the petitioner may suffer owing to the impugned proceedings in the VII semester must necessarily has to be condoned. And, this Court directs it too.

9. This Court would also like to underscore that (a) this order will not be a precedent for any other case, since it is decided more on facts of this particular case. It is also made clear that this Court does not advocate or declare that the rules pertaining to attendance is not mandatory, but only underscores that in appropriate cases, depending on the facts of the case,



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some flexible modes have to be provided; and (b) the petitioner's son Kotteeswaran is informed that he should not make it a habit to absent himself from attending the classes.

10. In the result, the writ petition is allowed, and the impugned order of the first respondent, dated 11.08.2023 is set aside, and the first respondent is further directed to comply with the directions in given in paragraph 9 above. No costs. Consequently, connected miscellaneous petitions are closed.

21.09.2023

Index : Yes / No
Speaking order / Non-speaking order
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Note : Issue order copy on 22.09.2023



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N.SESHASAYEE.J.,

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