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W.P.No.31653 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31653 of 2024

S.Sakthivel

.. Petitioner

VS

1. The Registrar
SRM University
SRM Nagar, Kattankulathur.

2. The Dean (S&H)
Associate Director
SRM Institute of Science and Technology
Faculty of Science and Humanities
Ramapuram, Chennai.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent dated 18.10.2024 quash the same consequently direct the respondents to allow the petitioner to attend the university examination for 2nd year B.C.A., course starts from 21.10.2024 onwards in the second respondent college.

For Petitioner : Mr.T.Nixon

For Respondents : Ms.P.R.Umamaheswari
for R2



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ORDER

The present writ petition has been filed seeking a writ of certiorarified mandamus, calling for the records of the second respondent dated 18.10.2024 to quash the same and consequently direct the respondents to allow the petitioner to attend the University examination for 2nd year B.C.A., Course, starting from 21.10.2024 in the second respondent College.

2.1. Learned counsel for the petitioner would submit that the petitioner joined three years B.C.A. Degree Course in the second respondent College for the Academic Year 2023-24. The respondent College is a Deemed University in terms of Section 3 of the University Grants Commission Act, 1956. The petitioner paid Rs.1,00,000/- towards the first year fees along with Rs.40,000/- for transport during 2023 and paid Rs.1,00,000/- towards the second year fees along with Rs.40,000/- for transport during the year 2024. The petitioner regularly attended classes and the petitioner has also secured good marks.

2.2. However, in the mid of the second Academic Year, the petitioner suffered from viral fever and due to medical advice, the petitioner was not able to attend College during July, 2024. Subsequently, the petitioner suffered from skin allergy and also met with an accident during August,



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2024. Hence, the petitioner was debarred from appearing in the University Examinations, October-November, 2024, due to lack of attendance. Challenging the same, the present writ petition has been filed.

3. Learned counsel for the petitioner would submit that in the previous Academic Year, the petitioner's attendance was perfect and only in the month of July, 2024, due to ill-health, the petitioner was not able to attend classes and thereby, he secured only 56.64% attendance instead of 100% attendance, therefore, the petitioner got debarred from attending the University Examinations. This Court may consider the case of the petitioner, as the petitioner's entire life would be doomed if he gets debarred from attending the University Examinations.

4. *Per contra*, learned counsel appearing for the second respondent would vehemently contend that the discretion available to the respondents to condone lack of attendance is between 65%-75%, therefore, in earlier occasions, since the petitioner was within this limit, the lack of attendance of the petitioner was condoned. However, the petitioner has failed in seven subjects in the past two semester examinations and in the present semester, he has secured only 56.64% attendance, which has not even crossed 60%. Hence, the impugned order debarring the petitioner from participating in the



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semester examinations is certain and accordingly, she prays for dismissal of the writ petition.

5. Heard *Mr.T.Nixon*, learned counsel for the petitioner and *Ms.P.R.Umamaheswari*, learned counsel for the second respondent.

6. The facts in the present case are not disputed. Admittedly, the petitioner has successfully completed two semesters out of six semesters. In the third semester, the petitioner has secured only 56.64% of attendance and though the respondents claim that they are eligible to condone lack of attendance if the petitioner has secured attendance between 65%-75%, in the present case, the petitioner has only secured 56.64% attendance, thereby, they are unable to condone the lack of attendance and debarred the petitioner from participating in the semester examinations.

7. However, considering the situation that since the petitioner was suffering from medical conditions, the petitioner was unable to attend classes, this Court is inclined to exercise its powers under Article 226 of the constitution of India, considering the plight of the student and issue directions for one time to allow the petitioner to participate in the next semester examination. However, it is made clear that the liberty granted by



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this Court will not be extended to the petitioner for lack of attendance in the future. The respondents are hereby directed to permit the petitioner to participate in the next semester examinations.

8. With these directions, the writ petition stands disposed of. There shall be no order as to costs. Consequently, W.M.P.Nos.34413 & 34417 of 2024 are closed.

25.10.2024

Index: Yes/No

Neutral Citation :Yes/No

Note: Issue order copy on 25.10.2024.

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M.DHANDAPANI, J.

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