



W.P.No.32418 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 05.11.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH**

**W.P.No.32418 of 2024**  
**and**  
**W.M.P.No.35202 of 2024**

K.Shrish

... Petitioner

**Vs.**

- 1.The Controller of Examination,  
SRM Institute of Science & Technology,  
Ramapuram Campus,  
Bharathi Salai, Ramapuram,  
Chennai-600 089.
- 2.The Dean,  
Faculty of Science & Humanities,  
Ramapuram Campus,  
Bharathi Salai, Ramapuram,  
Chennai-600 089.
- 3.The Head of the Department,  
Department of Commerce,  
Faculty of Science & Humanities,  
SRM Institute of Science & Technology,  
Ramapuram Campus,



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Bharathi Salai, Ramapuram,  
Chennai-600 089.

.....Respondents

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Prayer:-Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents to permit the petitioner to write the III Semester classes and consequently permit the petitioner to attend the classes for the academic year 2024-2025 and pursue his course.

For Petitioner : Mr.K.Vasanthanayagan

For Respondents : Mrs.P.R.Umamaheswari

### **ORDER**

The present petition has been filed by the petitioner seeking a direction to the respondents to permit him to write the third semester exam and also to attend the classes for the academic year 2024-25 and pursue his course.

2. Heard Mr.K.Vasanthanayagan, learned counsel for the petitioner and Mrs.P.R.Umamaheswari, learned counsel appearing on behalf of the respondents 1 to 3.



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3. The short facts which leads to filing of the present petition is as follows:

The petitioner is a second year B.Com student in the third respondent institution. Apart from his academics, he joined CA Foundation course. Since the petitioner was hospitalized due to viral fever and also appeared for CA exams from 13.09.2024 to 29.09.2024, he was unable to attend his regular classes and made a representation to the third respondent to consider those days as OD. However, the same was not considered and the petitioner was denied to attend the upcoming semester examination and was also detained from attending the classes for the next six months.

4. Aggrieved over the same, the petitioner has come forward with the present Writ Petition.

5. The learned counsel for the petitioner submitted that the petitioner pursuing II year B.Com in the respondents' institution and attending his college regularly and completed previous semesters without any blemish. He also submitted that apart from his academics,



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the petitioner is pursuing CA Foundation Course. While so, the petitioner was affected by viral fever and hospitalized and was not able to attend his classes from 06.09.2024 to 20.09.2024. However, he attended his CA exams on 13.09.2024, 15.09.2024, 18.09.2024 and 20.09.2024. The petitioner has produced his medical certificate and made a representation to consider his absence as OD to the third respondent but the same was denied. Furthermore, the petitioner was informed that due to lack of attendance, he would not be permitted to appear for the semester examination and also that he would not able to attend the classes for the next six months. He submitted that the petitioner along with his mother met the third respondent but all his efforts went in vain. He contended that the petitioner has valid reasons for his absence which is neither wilful nor wanton and if the petitioner is not permitted to attend his exams and classes, the same would cause severe hardship and affect his career. Hence, the learned counsel pleaded before this Court that the present petition has to be allowed by directing the respondents to permit the petitioner to appear for his semester examinations and also to attend his classes.

6. Per contra, the learned counsel for the respondents submitted that the respondents come under deemed university and guided by



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UGC. They have their guidelines, rules, regulations for the students to follow during their course in the institution. She submitted that the petitioner has been denied to appear for his semester examinations and also to attend his classes for the next six months due to lack of attendance as mandated by their guidelines. She further submitted that as per UGC and their policy, minimum 75% attendance is mandatory and also that the institution also provides additional 10% taking into consideration of unanticipated issues and mandated the students to maintain 65% attendance. In spite of the same, the petitioner did not attend the classes and hence, debarred from writing examination.

7. Furthermore, the learned counsel also drew the attention of this Court that the petitioner has produced the medical certificate for his absence but contrarily stated that he has attended the CA exams during the said period. She contended that lack of attendance has to be condoned on the ground that the petitioner is pursuing another course is unacceptable. The learned counsel urged this Court that the respondents have taken a right decision and the same will pave a good precedent to students to walk in the right path of obedience to the rules and regulations of the institutions. Therefore, the decision of the



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respondents in respect of the petitioner warrants no interference and thus, prayed for dismissal of the present petition.

8. Considered the submissions made by the learned counsel on either side and also perused the materials available on record.

9. On a perusal of the matter, it is seen that the respondents have been liberal in attendance by offering 10% additional leave apart from 25% by taking into consideration of the unpredicted situations. Despite of it, the petitioner was not having 65% attendance as mandated by the rules of the institution which shows his irregularity in attending the classes. It is not justifiable for this Court to accept the contentions of the learned counsel for the petitioner to the fact that the petitioner was affected by viral fever and due to which, he was absent to college from 06.09.2024 to 20.09.2024 and the same has to be considered by the respondents as 'OD' since taking note of his statement that the petitioner is pursuing CA Foundation course and had attended the examination of the said course during the period of his absence.



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10. At this juncture, it is to be pointed out that discipline is the key and foundation that unlocks the potential of a student and regular attendance is the first step in mastering it. This Court certitudes that student attendance at teaching and learning events is strongly linked to student success. It is the primary indicator of a student's engagement levels with their course of study. It also serves as a first level indicator for student retention, well being or academic progression.

11. Taking into consideration of all the above aspects, this Court is of the opinion that attendance is the primary indicator and lacking of it, ruins the future of the student and hence, showing leniency in this matter would pave a bad precedent for other students and spoil the future pillars of our society. Hence, the petitioner is not entitled for the relief sought for in this petition and accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. There shall be no orders as to costs.

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Index: Yes/No  
Order: Speaking/Non-Speaking  
NCC : Yes/No  
DP

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**VIVEK KUMAR SINGH, J.**

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