



W.P.No.32623 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.32623 of 2024
and
W.M.P.No.35466 of 2024

Mohamed Zakir

... Petitioner

Vs.

- 1.The University Grants Commission,
rep. By Secretary,
Bahadur Shah Zafar Marg,
New Delhi-110 002.
- 2.The Tamil Nadu Higher Education Department,
rep. By Secretary,
O/o.Secretariat,
Chennai.
- 3.The Vice Chancellor/Principal,
O/o.SRM Institute of Science & Technology,
Ramapuram Campus,
Bharathi Road, Ramapuram,
Chennai-600 089.

.....Respondents

Prayer:-Writ Petition filed under Article 226 of Constitution of India, to
issue a Writ of Mandamus, directing the third respondent to permit the



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petitioner to participate in III year V Semester (Academic year 2022-2025) examination proposed to be conducted on 07.11.2024 to 15.11.2024 by considering the petitioner's representation dated 28.10.2024.

For Petitioner : Mr.A.Naresh Prabhu

For Respondent-1: No Appearance

For Respondent-2: Mr.Jayaprakash, GA

For Respondent-3: Mrs.P.R.Umamaheswari

ORDER

The present petition has been filed by the petitioner seeking a direction to the third respondent to permit him to appear for the fifth semester exam.

2. Heard the learned counsel on either side.

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

The petitioner is a third year B.Com student in the third respondent institution. Due to shortage of 0.8% attendance, the



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petitioner was debarred from appearing the V semester examination.

Since the petitioner was suspended from 12.07.2024 to 12.08.2024 and also had suffered from chicken pox from 16.08.2024 to 21.08.2024, he was unable to attend his regular classes. He made a representation dated 28.10.2024 along with his medical certificate but the same was not considered and was denied to attend the upcoming semester examination.

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 III year B.Com in the third respondent's institution and attending his college regularly. He also submitted that due to some quarrel between the students, without conducting any fair enquiry, the petitioner was suspended from college by the third respondent from 12.07.2024 to 12.08.2024. While so, the petitioner was affected by chicken pox and was not able to attend his classes from 16.08.2024 to 21.08.2024. However, he attended his internal tests but the third respondent with a malicious intention had deliberately marked absent for him on those days which resulted in



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shortage of attendance and shown as an embargo for attending the upcoming semester examination. The petitioner has produced his medical certificate and made a representation dated 28.10.2024 to consider his absence 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 upcoming semester examination. 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 upcoming semester exams, 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 third respondent to permit the petitioner to appear for his upcoming semester examinations.

6. Per contra, the learned counsel for the third respondent submitted that the third respondent come under deemed university and guided by 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 due to lack of attendance as mandated by their guidelines. She further submitted that as per UGC and their policy,



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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 dated 09.10.2024 for his absence along with this petition for his August illness and also that due to his misconduct for creating nuisance in the campus, he was suspended which has not been challenged by him and hence, on the above grounds, his absence cannot be condoned. The learned counsel urged this Court that the third respondent has taken a right decision and the same will pave a good precedent to the students to walk in the right path of obedience to the rules and regulations of the institutions. Therefore, the decision of the third respondent 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.



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9. On a perusal of the matter, it is seen that the third respondent had 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 in regard to the fact that the medical certificate issued for chicken pox was issued on 09.10.2024 for the period of August illness which seems to be obtained only for the purpose of this petition and he was suspended for his misconduct which has not been challenged by the petitioner.

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.



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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

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To

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University Grants Commission,
Bahadur Shah Zafar Marg,
New Delhi-110 002.
- 2.The Secretary,
Tamil Nadu Higher Education Department,
O/o.Secretariat,
Chennai.
- 3.The Vice Chancellor/Principal,
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VIVEK KUMAR SINGH, J.

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