



W.P(MD)No.10855 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P(MD)No.10855 of 2025

and

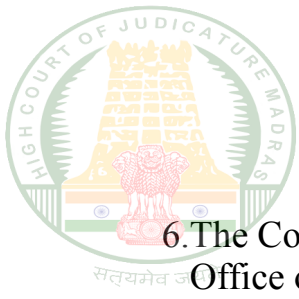
W.M.P(MD)No.8086, 8087, 8088 & 11388 of 2025

Abinaya Devi

... Petitioner

Vs.

- 1.Union of India, represented by
The Principal Secretary,
Ministry of Human Resource Development,
Department of School Education & Literacy,
New Delhi.
- 2.University Grants Commission (UGC),
Represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delvhi-110 002.
- 3.The Principal Secretary,
State of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai.
- 4.The Registrar,
Madurai Kamarajar University,
Madurai-625 021.
- 5.The Principal
Thiagarajar College of Arts and Science
Madurai-625 009.



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6.The Controller of Examination (COE)
Office of the Controller of Exminations,
Thiagarajar College of Arts and Science
Madurai-625 009.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records connected with the impugned mail dated 09.04.2025 by the respondent No.6 and quash the same and consequently direct the Respondent No.5 and 6 to allow the petitioner named Abinaya Devi daughter of Late.Chakkaravarthy studying 3rd year B.S.Psycology in the Respondent No.5 college with Reg.No. 22SUPS09 to continue the course B.Sc.Psycology in par with the other students in academic year 2023-2025 in accordance with law within the time stipulated by this Court.

For Petitioners	: Dr.R.Alagumani
For R1 & R2	: Mr.S.S.Sundarapandian
For R3	: Mr.PT.Thiraviam Government Advocate
For R5 & R6	: Mr.VR.Shanmuganathan

ORDER

The petitioner has filed this writ petition for Certiorarified Mandamus to quash the impugned Email dated 09.04.2025 of the sixth respondent's college, which is affiliated by Madurai Kamarajar University. By the impugned communication, the sixth respondent has stated that the petitioner will not be



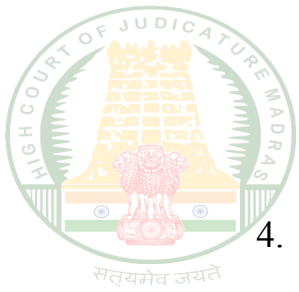
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given Hall ticket for the examination proposed to be held during the month of April 2025. The petitioner was pursuing last semester of B.Sc Psychology.

2. An interim order came to be passed on 02.06.2025, wherein, the petitioner was allowed to appear during the supplementary examinations, as the petitioner was not allowed to write the examination in April 2025. The said order was appealed by the respondents 5 & 6 in W.A(MD)No.1380 of 2025, which came to be disposed with the following observations:-

"3. We are clearly of the view that the rights of the college have been fully protected. By permitting the student to write the supplementary examination, the college is not going to suffer any prejudice. On the other hand, if we stay or set aside the impugned order, the writ petition itself will become infructuous. Leaving open all the contentions of the appellant college as well as that of the student, the Writ Appeal is disposed of. No costs. We request the learned single Judge to take up the writ petition ' for final disposal' on 16.06.2025.

3. Hence, this writ petition is taken up for final disposal.

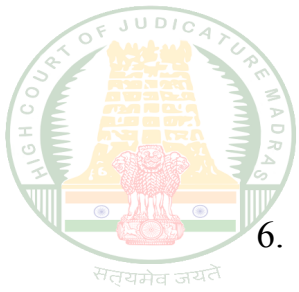


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4. The case of the petitioner is that the petitioner had over all 73% of attendance in class, however, had fell short of 1 1/2 days. As per clause 13 of the Hand Book published by the sixth respondent's School, students will be marked absent if they fail to be present when attendance is being marked during each class hour and that the students will miss half-a-day's attendance even if they are absent for one hour.

5. The learned counsel for the petitioner has drawn an attention of regulations 5.8 of the UGC (Minimum Standards of Instruction for the Grant of the First Degree through Formal Education) Regulations, 2003. It is submitted that the over all attendance of the petitioner is 73%, even as per the respondents. It is therefore submitted that the petitioner meets the requirement clause 5.8 of UGC (Minimum Standards of Instruction for the Grant of the First Degree through Formal Education) Regulations, 2003, which is reads as follows:-

"5.8.The minimum number of lectures, tutorials, seminars and practicals which a student shall be required to attend for eligibility to appear at the examination shall be prescribed by the university, which ordinarily shall not be less than 75% of the total number of lectures, tutorials, seminars, practicals and any other prescribed requirements."

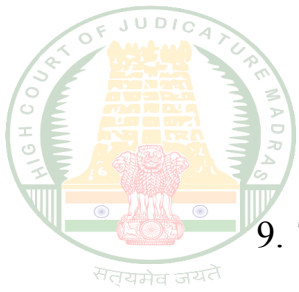


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6. The learned counsel for the petitioner has drawn an attention to the attendance report of the petitioner, wherein, for some of the days, the petitioner has been marked as absent although she has attended the class because the petitioner reached the college late. It is submitted that the petitioner is single parent and she is pursuing with degree with lot of constraints as she has to travel a long distance from her house. It is submitted the petitioner could not attend the college during the first hour or come late after the class had begun.

7. It is submitted that the petitioner is falling short of 1 1/2 days only. It is submitted that the UGC Guidelines for Autonomous College mandates 75% attendance. It is submitted that if the petitioner is given full attendance for the days for which the petitioner was marked absent despite attending classes, the petitioner will meet the criteria under UGC Guidelines for Autonomous College.

8. The learned counsel for the petitioner would submit that as per the attendance report of the petitioner, she has 73% over the attendance which is 2% below the minimum requirement, which is on account of the strict compliance of Clause 13, 16 & 17 of the Hand Book of the year 2024-2025 of the sixth respondent's college.



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9. The learned counsel for the petitioner also drawn the attention to the following three decision of this Court in support of the present writ petition.

"(i) *Md.Saleem and others v. P.Ramarao* reported in *1999 SCC Online AP 473*.

(ii) *Gargi Maheshwari Vs.National Institute of Fashion*, dated *30.05.2010*

(iii) *KUM.Nirisha V vs. ST.Joseph's University in W.P.No.26730 of 2023 (EDN-EX), dated 30.01.2024"*

10. The learned counsel for the respondent has opposed the writ petition and he would drawn the attention to the Rules of Condonation and would refer to Rule -13 regarding attendance and leave and Regulation No.2 of the UGC Guidelines for Autonomous Colleges. It is submitted that as per the aforesaid Rules, the students will be marked absent if they fail to be present when attendance is being marked during each class hour. It is submitted students will be marked half-a-day's attendane even if they are absent for one hour.

11. It is further submitted that the students are required to maintain a minimum attendance of 75% to be eligible to appear for semester examinations.



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Failure to meet this requirement will result in the withholding of their hall ticket. It is further condonation of attendance shortage can be availed only twice by a UG student and only once by a PG student during the course of his/her study. Hence, there is no scope for condoning the absence of the petitioner during the 6th semester even if the petitioner is the meritorious student, as the petitioner has availed of this failing twice.

12. I have considered the arguments advanced by the learned counsel for the petitioner and the respondents and I have also gone through the decision cited by the learned counsel for the petitioner. I have also perused the provisions of the UGC (Minimum Standards of Instruction for the Grant of the First Degree through Formal Education) Regulations, 2003 and the attendance report filed by the respondents.

13. As per the UGC Guidelines for Autonomous Colleges, the sixth respondent is entitled to evolve its own methods of assessments of performance of students and conduct of examinations and notification of results.



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14. Thus, the attendance marked by the first respondent as per the hand book, particularly, Rule 13, 16 & 17 cannot be found fault with. The sixth respondent has applied the rules in accordance with law, the rules framed under the provisions of UGC Guidelines for Autonomous colleges.

15. This regulations are reproduced for sake of clarity:-

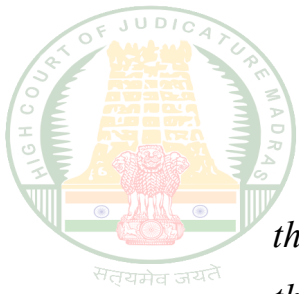
"12.Students who are absent for 10 consecutive days without submitting a proper leave form will be removed from the college roll. Each day consists of two sessions; a three-hour morning sessions and a two-hour afternoon session. Attendance will be recorded during each class hour.

13. Students will be marked absent if they fail to be present when attendance is being marked during each class hour. Students will miss half-a-day's attendance even if they are absent for one hour.

14.Students who do not submit leave form and absent themselves will be fined at the rate of 1 Rupee for half-a-day and 2 Rupees for full day.

15.If the Principal is not satisfied with the behaviour of the students or if their attendance falls below the required percentage for a semester, they will be denied attendance certificate.

18.Students who fail to meet the attendance requirements for



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their undergraduate or postgraduate courses must re-register for the semester, attend all classes, fulfil the internal assessment requirements, and then appear for the semester examination. "

16. The rules of condonation which has been framed by the fifth and sixth respondents which have been extracted in para 6 of the counter also reveals that the condonation will be only twice by a UG students and only once by a PG student during the course of his/her study. However, these guidelines are only guidelines and can be relaxed in appropriate cases, where the candidates has adequate attendance. The 6 days on which the petitioner was marked absent for on 6 half days are on 31.12.2024, 27.01.2025, 29.01.2025, 20.02.2025, 06.03.2025 and 04.04.2025. The summary of attendance marked by the respondents also indicates the following dates where the petitioner was marked half day:-

Date	AD-Period	AD-Period	AD-Period	AD-Period	AD-Period	Status
31.12.2024	P	P	P	A	P	Half Day Present
27.01.2025	A	P	P	P	P	Half Day Present
29.01.2025	A	P	P	P	P	Half Day Present
20.02.2025	A	P	P	P	P	Half Day Present
06.03.2025	A	P	P	P	P	Half Day Present
04.04.2025	A	P	A	P	P	Half Day Present



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17. That apart, the Courts have intervened under similar circumstances.

(i) The Andhra Pradesh High Court, under similar circumstances, granted relief in the case of ***Md.Saleem and others v. P.Ramaro***, reported in ***1999 SCC OnLine AP 473***.

(ii) The Delhi High Court, while dealing with an identical situation in the case of ***Gargi Maheswari v. Institute of Fashion Technology and another***, vide order dated 31.05.2010 in W.P.(C) No.569 of 2010, observed as under:

25. Although these students did remain absent throughout the day on some occasions and did not attend even a single class on those days, but certainly if these students are given the benefit of not attending the morning session due to traffic congestion for those days when they had attended the remaining classes on the same day, then certainly they can make up the shortfall of the attendance to be entitled to reappear in their said exams.

(iii) The Karnataka High Court at Bengaluru, in the case of ***Kum. Niriksha V. v. St. Joseph's University***, vide order dated 30.01.2024 in W.P. No. 26730 of 2023, while considering the complaint of the petitioner therein that she could not attend classes on time due to several reasons on multiple occasions,



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extended the benefit of doubt.

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18. The case of the petitioner is somewhat similar to the above circumstances. The petitioner is otherwise meritorious and is short of only 1½ days to meet the minimum attendance criteria.

19. Considering the above, this Court is inclined to hold that the petitioner had requisite percentage of attendance as per the number of days required and number of class attended by the petitioner this writ petition is the allowed. Consequently, the impugned mail dated 09.04.2025 is set aside.

20. In view of the above, the respondents are directed to declare the result of the petitioner in the supplementary examinations held during the month of June 2025, immediately. No costs. Consequently, connected miscellaneous petitions are closed.

24.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- 1.The Principal Secretary,
Union of India,
Ministry of Human Resource Development,
Department of School Education & Literacy,
New Delhi.
- 2.University Grants Commission (UGC),
Represented by its Secretary,
Bahadur Shah Zafar Marg,
New Delvhi-110 002.
- 3.The Principal Secretary,
State of Tamil Nadu,
Higher Education Department,
Secretariat, Chennai.
- 4.The Registrar,
Madurai Kamarajar University,
Madurai-625 021.
- 5.The Principal
Thiagarajar College of Arts and Science
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Office of the Controller of Exminations,
Thiagarajar College of Arts and Science
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C.SARAVANAN, J.

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