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W.A.No.3487 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.3487 of 2024

K.Shrish

... Appellant

Vs.

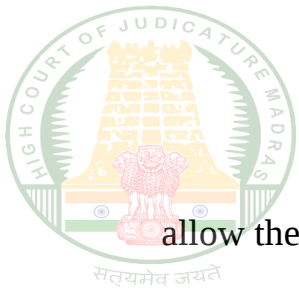
1.The Controller of Examination,
SRM Institute of Science & Technology,
Ramapuram Campus,
Bharathi Salai, Ramapuram,
Chennai - 600 089.

2.The Dean,
Faculty of Science & Humanities,
SRM Institute of Science & Technology,
Ramapuram Campus,
Bharathi Salai, Ramapuram,
Chennai - 600 089.

3.The Head of the Department,
Department of Commerce,
Faculty of Science & Technology,
SRM Institute of Science & Technology,
Ramapuram Campus,
Bharathi Salai, Ramapuram,
Chennai - 600 089.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order dated 05.11.2024 passed in W.P.No.32418 of 2024 and



W.A.No.3487 of 2024

allow the present Writ Appeal.

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For Appellant

: Mr.S.Silambanan, Senior Advocate
for Mr.K.Vasanthanayagan

For Respondents

: Mrs.P.R.Umamaheswari

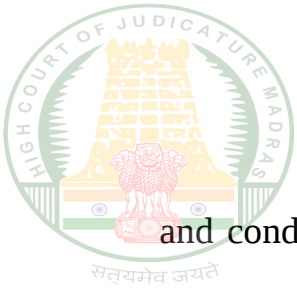
J U D G M E N T

(Judgment of the Court was delivered by **R.SUBRAMANIAN, J.**)

An unfortunate student, who wanted to ride two horses having miserably failed, approached this Court seeking condonation of deficiency of attendance.

2. The appellant was pursuing II year B.Com., in the 3rd respondent University. Having found that he did not have enough attendance and lack of attendance is beyond the condonable 10%, the University refused permission to write the examinations. This impelled the student to seek a Writ of Mandamus directing the respondents to permit him to write the third semester examinations and also attend the classes for the Academic Year 2024 - 2025.

3. The writ Court found that the UGC regulation requires 75% attendance



W.A.No.3487 of 2022

and condonable limit was only 10%, meaning thereby a student has to have a minimum attendance of 65% to enable him to appear for the examinations.

Since the appellant did not have the required 65%, the University had rightly refused permission to write the examinations and also removed the student from the rolls. On the said finding, the writ petition was dismissed leading to this appeal.

4. We have heard Mr.S.Silambanan, learned Senior Counsel for Mr.K.Vasanthanayagan, learned counsel appearing for the appellant and Mrs.P.R.Umamaheswari, learned counsel appearing for the respondents 1 to 3.

5. Mr.S.Silambanan, learned Senior Counsel appearing for the appellant would rely heavily upon the judgment of this Court in W.P.No.20263 of 2014 dated 04.09.2014, wherein, this Court had held that a student who pursues another professional course while doing a graduation course in the University should be encouraged and the rule of law should not be applied in rigidity in such cases.

6. No doubt, the Hon'ble Mr.Justice V.Ramasubramanian, who had passed the said order had said that an ambitious student should not be punished

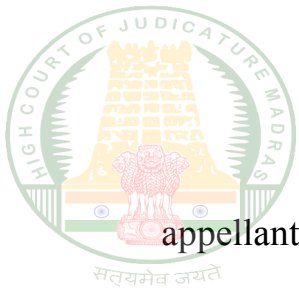


W.A.No.3487 of 2014

for being ambitious and the law should be flexible, so as to accommodate a student who wants to excel.

7. We find that the said judgment was appealed against and the Division Bench of this Court though upheld the result of the writ petition, concluded that the said judgment shall not be treated as a precedent in future cases. It was also pointed out by the Division Bench in its order dated 18.12.2015 made in W.A.No.1275 of 2014 that the officials of the Tamil Nadu Dr. Ambedkar Law University, which was the appellant therein had condoned lack of attendance of more than allowable limit to several students by taking the condonation fee and it was this fact that impelled the Bench to confirm the order of the Hon'ble Mr. Justice V.Ramasubramanian on the peculiar facts of that case. We therefore don't think that the judgment relied upon by Mr.S.Silambanan, learned Senior Counsel can be safely relied upon as precedent.

8. The facts are admitted. The appellant did not have sufficient attendance to enable him to write the examinations. Even after addition of 10%, the appellant gets only 67% which is less by 8% than the required attendance. In fact, in the objection filed by the University it is stated that the



W.A.No.3487 of 2024

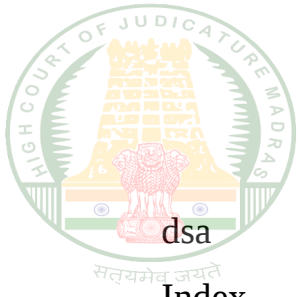
appellant had only 45.71% and 48.73% of attendance during the relevant period. The over all attendance was 57%. Even after adding 10% condonable limit, the appellant will not reach the required attendance of 75%.

9. It has been repeatedly held that in academic matters this Court will not interfere and leave it to the wisdom of the academicians. The UGC Regulation requires a particular percentage of attendance and if a student does not possess that percentage of attendance, the only result could be the students cannot appear for the examination. As rightly pointed out by the learned counsel for the University if this Court chooses to sympathize with such students, it will be only mis-placed sympathy and it would amount to mocking of students who attended the classes regularly.

10. We do not find any infirmity in the orders of the writ Court. The appeal therefore fails and it is accordingly **dismissed**. No costs.

11. If the student is willing to re-do the course by paying required fee, the University will take the student back on its rolls and ensure that he gets a good ambience for continuing his studies.

(R.S.M.,J.) (C.K.,J.)
22.01.2025



W.A.No.3487 of 2022

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Index : No

Neutral Citation : No

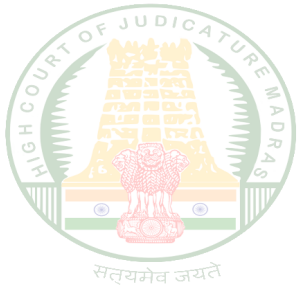
Speaking order

To

1.The Controller of Examination,
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Chennai - 600 089.

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W.A.No.3487 of 2024

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C.KUMARAPPAN, J.

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W.A.No.3487 of 2024

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