

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Special Original Jurisdiction )

Wednesday, the Thirtieth day of November Two Thousand and  
Twenty Two

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PRESENT

**The Hon`ble Mrs.Justice V.BHAVANI SUBBAROYAN**

WP (MD) No.27023 of 2022

AND

WMP (MD) No.21187 of 2022

C.MANICKASELVI

... PETITIONER

**Vs**

1 THE REGISTRAR  
MANONMANIAM SUNDARANAR UNIVERSITY,  
ABISHEKAPATTI,  
TIRUNELVELI DISTRICT - 627012

2 SRI SARADA COLLEGE FOR WOMEN  
REPRESENTED BY ITS SECRETARY,  
SARADA NAGAR,  
ARIYAKULAM,  
MAHARAJA NAGAR POST,  
TIRUNELVELI - 627011.

3 THE PRINCIPAL  
SRI SARADA COLLEGE FOR WOMEN,  
SARADA NAGAR,  
ARIYAKULAM,  
MAHARAJA NAGAR POST,  
TIRUNELVELI - 627011.

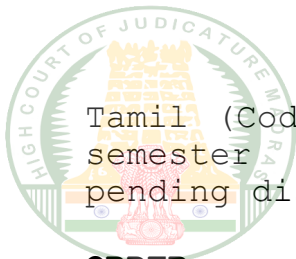
... RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to issue a Writ of Mandamus, directing the respondents to permit the petitioner to attend the B.A.(English) IV th Semester - Tamil (Code - 19P1TA4) examination scheduled on 03.12.2022 and Vth semester examinations scheduled from 01.12.2022 to 19.12.2022 by treating the period of absence of the petitioner due to pregnancy as medical leave.

**Prayer in WMP(MD) . 21187/ 2022 :**

To pass an order of DIRECTION, directing the respondents to permit the petitioner to attend the B.A.(English) IV th Semester -

<https://www.mhc.tn.gov.in/judis>



Tamil (Code - 19P1TA4) examination scheduled on 03.12.2022 with semester examinations scheduled from 01.12.2022 to 19.12.2022 pending disposal of the Writ Petition.

**ORDER**: This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.KARTHICK.R.J, Advocate for the petitioner and of Mr.M.MAHABOOB ATHIFF, Advocate on behalf of the 1<sup>st</sup> Respondent and Mr.H.ARUMUGAM, Advocate for the 2<sup>nd</sup> & 3<sup>rd</sup> Respondents, the court made the following order:-

Mr.M.Mahaboob Athiff, learned counsel takes, notice for the first respondent. Mr.H.Arumugam, learned counsel, takes notice for the second and third respondents.

2. The petitioner is studying B.A.(English), III year in the second respondent College. Due to her family circumstances, the petitioner got married on 23.06.2022. Hence, she was not able to attend Tamil Exam in IV Semester. Thereafter, she got conceived. Because of her ill health, she could not even attend the classes regularly and she was not able attend the V Semester Examinations. Now the second respondent college scheduled to conduct IV Semester and IV Semester on 01.12.2022 to 19.12.2022 for the regular classes. The father of the petitioner went to the college to apply for the said examination. But the second respondent College refused to accept the application stating that the petitioner is not having the required attendance to appear for the examination. She only possess 17% of attendance, instead 60% of attendance. Hence, the petitioner made a representation to the on 21.11.2022 and 28.11.2022 to the second and third respondents requesting them to permit the petitioner to write the examinations. But the second and third respondents refused to consider the same.

3. The rules of the respondent College is that the students should possess 60% of attendance to appear for examinations. But the petitioner possesses only 17% of attendance, which is inadequate. The case like the petitioner, being a woman, who want to pursue her studies, but due to her health condition as a pregnant woman was unable to attend the classes regularly, shall be exempted from the said rule. In the case of **Kavitha Rajagopa vs. The Registrar, The Tamil Nadu Dr.Ambedkar Law University [2008(1)CTC 374]**, it has been held that the absence due to maternity shall be condoned and the women students should be permitted to continue their studies. Article 42 of the Directive Principles of State Policy says that the State shall make provision for securing just and humane conditions of work and for maternity relief.

4. In view of the above judgment and considering the peculiar facts and circumstances of this Case, this Court, pending writ petition, deems it fit to grant permission to the petitioner to



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write the examinations scheduled to be held from 01.12.2022 to 19.12.2022.

5. List this case on 04.01.2023 for further adjudication.

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sd/-  
30/11/2022

01/12/2022  
Sub-Assistant Registrar (C.S.)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

**TO**

- 1 THE REGISTRAR  
MANONMANIAM SUNDARANAR UNIVERSITY,  
ABISHEKAPATTI,  
TIRUNELVELI DISTRICT - 627 012
- 2 SRI SARADA COLLEGE FOR WOMEN  
REPRESENTED BY ITS SECRETARY,  
SARADA NAGAR,  
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SRI SARADA COLLEGE FOR WOMEN,  
SARADA NAGAR,  
ARIYAKULAM,  
MAHARAJA NAGAR POST,  
TIRUNELVELI - 627 011.

**ORDER IN**

WP(MD) No.27023 of 2022  
AND  
WMP(MD) No.21187 of 2022  
Date :30/11/2022

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SA/VR/SAR.3/01.12.2022/3P/4C