

Court No. - 19

Case :- WRIT - C No. - 11404 of 2024

Petitioner :- Miss Sheeba

Respondent :- State Of U.P. Thru. Prin. Secy. Medical Health Deptt. Lko.
And 2 Others

Counsel for Petitioner :- Afaq Zaki Khan, Mohammad Asad Mahmood

Counsel for Respondent :- C.S.C.

Hon'ble Manish Mathur,J.

1. Heard learned counsel for petitioner and learned State counsel for opposite party no.1.
2. In view of order being passed, notices to opposite parties no.2 & 3 stands dispensed with.
3. Petition has been filed seeking a direction to the concerned authority to permit petitioner for appearing in 3rd Semester Examination on B.Sc. Biotechnology Examination due to be held on 27.12.2024.
4. Learned counsel for petitioner has drawn attention to the endorsement made by dean faculty of science and therefore the University concerned to submit that petitioner is not being permitted to take the aforesaid Examination on account of the fact that she is suffering from Tuberculosis.
5. It is submitted that the aforesaid grounds for rejection of petitioner's application for participation in the examination is direct violation of her fundamental right under Article 21 of the Constitution of India for pursuing education in order for own betterment.
6. From a perusal of endorsement made by den of the University concerned on the application letter dated 09.10.2024, it appears that petitioner's application has been disallowed on twin grounds that medical leave is allowed to a maximum of 25% as per rule and secondly that since she is a patient of Tuberculosis, she cannot be permitted to sit in the class room.

7. So far as the first condition is concerned, it is quite evident that petitioner is required to have a minimum attendance of 75%.

8. The second ground for rejection is clearly a direct violation of fundamental right of petitioner in trying under Article 21 of the Constitution of India. There is no provision of law under which persons suffering from Tuberculosis can be restrained from taking examination or study for their own betterment.

9. In view of aforesaid, it is directed that in case the petitioner has attended a minimum attendance of 75% in the academic year and otherwise eligible, she shall be permitted to participate in the 3rd Semester Examination of B.Sc. Biotechnology due to be held on 27.12.2024.

10. In view of aforesaid directions, petition stands **disposed of**.

Order Date :- 20.12.2024

Subodh/-