

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.6245/2015

Ku. Vinu d/o Shrikrishna Chute

...Versus...

Maharashtra Health Science University, Nashik through its Registrar and
another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri P.N. Shende, Advocate for petitioner
Shri N.D. Thombre, Advocate for respondent no.1
Shri V.R. Mundra, Advocate for respondent no.2

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : 26.11.2015

By this petition, the petitioner seeks a declaration that the petitioner is eligible to appear at the final year B.H.M.S. examination and she cannot be refused permission on the ground of poor attendance.

According to the petitioner, though the petitioner has attended the classes to the extent of 45% due to the late admission of the petitioner in the final year B.H.M.S. course on 24.2.2015, the petitioner is wrongly denied permission to appear at the examination while permitting certain other students with lesser attendance.

The learned Counsel for the respondent states that the petitioner could have surely attended for more than 65 % classes after admission to the final year B.H.M.S. course on 24.2.2015. It

is stated that not only was the petitioner absent in the classes on several occasions but the petitioner had also not appeared at the sessional examinations that were conducted in the college. It is stated that the list annexed by the petitioner to the instant petition for pointing out that students with lesser per centage of attendance were permitted to appear at the examination, is not a correct and authentic list as it wrongly includes the names of the students that are not permitted to appear at the examination.

In the circumstances of the case, we cannot direct the respondents to permit the petitioner to appear at the examination. A student is required to have minimum attendance of 75% in theory classes and 80% at the practicals. The petitioner has attended the classes only to the extent of 45 %. The petitioner has not attended the classes to the extent of 65%, after which, the authorities could have considered condoning the absence. It appears that the petitioner did not attend the sessional examinations. Also, it is denied by the respondents that the students with very poor attendance are permitted to appear at the examination. It appears that 27 other students are also not permitted to appear at the examination along with the petitioner and the petitioner is not singled out.

In the circumstances of the case, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE