

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

-

WRIT PETITION No.3998 & 14588 of 2015

DATE 01-09-2015

W.P.No.3998/2015

Between:

B. Hemanth Sai

... Petitioner

And

Jawaharlal Nehru Technological University,
Kukatpally, Hyderabad, rep by its
Registrar.

... Respondent

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.P.No.3998 & 14588 of 2015

COMMON ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for respondent-University.

The petitioner is studying B.Tech I/I Computer Science, M.Tech/M.S. (Computer Science) dual degree course of 5 years in the respondent-College. The petitioner claims that as he got 38% he was detained from writing 1st year, first semester examinations. In those circumstances, the petitioner filed the Writ Petition No.3998 of 2015 seeking condonation of shortage of attendance.

This Court by order dated 20.02.2015 directed the respondent to permit the petitioner to write the examinations of I year I Semester.

Since the petitioner was not allowed to attend the classes after the examinations, he filed W.P.No.14588 of 2015 for the following relief:

“...to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondents in instructing the petitioner not to attend the classes for B.Tech. 1st year 2nd semester likely to be commenced from 11-5-2015 under the pretext of pendency of the W.P.No. 3998 of 2015 as being illegal, arbitrary and unjust, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.”

Respondent filed separate counter affidavit stating that the required attendance as per the rules of the University is that a student should have 75% of attendance in aggregate in all subjects. However, shortage of attendance below 75% upto 65% would be condoned by the College Academic Committee. If a student does not fulfil the required percentage of attendance, he would not be promoted to next

year.

Regulation 3(5) of the Regulations of 1985 framed under University Grants Commission Act, 1956, reads as follows:

“Minimum number of lecturers, tutorials, seminars, practicals etc., which a student shall be required to attend before being eligible for appearing at the examinations shall be as prescribed by the University which on an average shall not be less than 75% of the total number of lectures, tutorials, seminars, practicals etc.”

The relevant Regulation No.6 is also extracted in the counter affidavit and it reads as follows:

“Attendance Requirements.

- 6.1 A student is eligible to write the University examinations only if he acquires a minimum of 75% of attendance in aggregate of all the subjects.
- 6.2 Condonation of shortage of attendance in aggregate upto 10% (65% and above and below 75%) in each semester or 1 year may be granted by the College Academic Committee.
- 6.3 Shortage of Attendance below 65% in aggregate shall not be condoned.
- 6.4 A student who is short of attendance in semester / 1 year may seek re-admission into that semester/1 year when offered within 4 weeks from the date of the commencement of class work.
- 6.5 Students whose shortage of attendance is not condoned in any semester/1 year are not eligible to write their end semester examination of that class and their registration stands cancelled.
- 6.6 A stipulated fee shall be payable towards condonation of shortage of attendance.
- 6.7 A student will be promoted to the next semester if he satisfies the attendance requirement of the present semester/1 year, as applicable, including the days of attendance in sports, games, NCC and NSS activities.
- 6.8 If any candidate fulfills the attendance requirement in the present semester or 1 year, he shall not be eligible for re-admission into the same class.”

The respondent-University states that the writ petitioner got only 38% attendance and the shortage of attendance cannot be condoned in any circumstances. Learned counsel for the respondent-University

relied on Division Bench judgments of this Court in **B.Yugandhar v. The Principal Kuppam Engineering College**^[1], **Akilesh Lumani v. Principal, Sir C.R.Reddy Autonomous College, Eluru**^[2] and **M.Sunil Chakravarthy v. Principal, Srikalahasteeswara Institute of Technology**^[3].

The learned Senior Counsel Sri S. Satyam Reddy, appearing for the petitioner submits that the course in which the petitioner admitted is being discontinued and the petitioner is not allowed to pursue his course by virtue of shortage of attendance. It is very difficult for him to continue the I year course, which may not be available.

This Court is not in a position to examine whether calculation of respondents in arriving at 38% of attendance was correct or what would be the effect of discontinuance of the course in the case of the petitioner.

In the cases relied on by the learned counsel for the respondents, it was held that since none has got the power to condone the percentage below 65%, this Court also cannot condone such shortage of attendance. It was also held that if the regulation does not provide for condonation of attendance, no mandamus can be issued.

In view of the same, these writ petitions fail and are accordingly dismissed.

At this stage, learned counsel for the petitioner submitted that the petitioner would make representation to the respondent – University and the respondent may be directed to consider the said representation keeping in view the career of the petitioner.

It is needless to say that the petitioner is at liberty to submit his representation within three days from the date of receipt of a copy of this order and on such representation being received it is open to the respondent – University to consider the same within three days from the date of receipt of such representation.

Miscellaneous petitions, if any, pending in this writ petition shall

stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO, J.

1st September, 2015
Js.

Note: Issue C.C. in 3 days.

[\[1\]](#) 2008(2) ALT 529 AP (DB)

[\[2\]](#) 2000 (4) ALD 630 AP (DB)

[\[3\]](#) 2005(1) ALD 253 AP (DB)