

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.38300 of 2014

ORDER:

The petitioner is a student of the fourth respondent college, who appeared for the final examination of I year commenced on 09.06.2014. On the date of fifth examination, which was held on 20.06.2014, the petitioner reached the college ten minutes late and in that hurry he could not deposit the cell phone. In those circumstances, the cell phone of the petitioner rang while he was writing the examination and the same was seized. The petitioner states that the third respondent obtained a letter from the petitioner to the effect that he brought the cell phone for malpractice purpose. The petitioner filed W.P.No.17117/2014 and this Court, by order dated 23.06.2014 in W.P.M.P. No.21430/2014, granted interim order directing the respondents to permit the petitioner to appear for other examinations, but the results of the same shall not be declared. Pursuant to the said interim order, the petitioner was permitted to appear for the remaining examinations. Thereafter, the fourth respondent received the term fee for the 2nd year and the petitioner was allowed to attend the classes from July onwards. The said writ petition was ultimately disposed of on 18.11.2014 directing the respondents 1 and 2 to complete the proceedings of malpractice initiated against the petitioner within a period of one month. A show cause notice was issued to the petitioner by the second respondent on 28.07.2014 and the petitioner appeared for enquiry. The second respondent issued proceedings on 05.12.2014 imposing punishment of debarring the petitioner from appearing for the subsequent papers of the examination apart from cancelling in which he had indulged in malpractice by invoking Rule 1 Ordinance VII Part V of the Malpractice Rules, but he was permitted to appear for next B.E.

examinations as and when conducted by the University. Challenging the said order, the petitioner filed the present writ petition.

This Court by order dated 11.12.2014 passed an order holding that the balance of convenience is in favour of the petitioner for permitting him to appear for I Semester of II Year B.E. Examinations, and accordingly, the petitioner appeared for the said examination. Thereafter, by order dated 24.03.2015 a direction was given by this Court to the respondents to declare the results of the petitioner. This Court in W.P.M.P.No.6579/2015 also granted a direction to the fourth respondent to mark the attendance of the petitioner vide Roll No.2451-13-736-043.

A perusal of the impugned order shows that the petitioner was debarred from appearing at the subsequent papers of the same examination apart from cancelling of that particular examination. In view of the subsequent developments of declaration of results and permitting the petitioner to appear for the subsequent examinations, the order worked out itself and it cannot be continued against the petitioner. The examination of the validity of the said order at this stage, in view of the earlier order passed by this Court, is unnecessary. This position has been fairly accepted by the learned counsel for the respondents 1 and 2.

In view of the above, this Writ Petition is closed by allowing the petitioner to appear for the classes and examinations subsequent to I Semester II Year B.E. examinations without any need for further orders. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

11.09.2015

MVA

-

MVA