

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4344 OF 2016
(Ruchira Gorge Ugale and others Vs. The State of
Maharashtra and others)

AND

CIVIL APPLICATION NO. 8755 OF 2016

IN

WRIT PETITION NO. 4344 OF 2016
(Prem s/o Yeshwant Kaskar and another Vs. The State of
Maharashtra and others)

Mr. R.N. Bharaswadkar, Advocate for the Petitioners
and applicants

Mr. S.K. Kadam, A.G.P. for respondent No.1/State

Mr. K.C. Sant, Advocate for respondent No. 2

CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.

DATE : 20th JUNE, 2016

PER COURT :

1. Heard the learned counsel for the petitioners, learned A.G.P. for respondent No.1/State and learned counsel appearing for respondent No. 2. The notice issued to respondent No.3, has been returned unserved.

2. For the reasons stated in the civil application, the same is allowed in terms of prayer clause [B] thereof and stands disposed of.

3. The learned counsel appearing for the petitioners submits that all the petitioners have attended the theory and practical classes regularly in respondent No. 3 college. It is submitted that merely because respondent No. 3 is not depositing the fine amount, it cannot be a ground to prevent the petitioners from attending the classes and allowing them to appear for the examinations. It is further submitted, at the cost of repetition, that it was for respondent No. 3 to bring on record the requisite percentage of attendance of the petitioners for the theory and practical classes. Therefore, the learned counsel for the petitioners submits that the petition deserves consideration.

4. On the other hand, the learned counsel appearing for respondent No.2, invites our attention to the letter dated 6th June, 2016, written by the Controller of Examinations to respondent No. 3 and submits that, in fact, the information was sought from respondent No. 3 about the attendance of the students studying in respondent No. 3 college and hearing was offered to the college. Admittedly, respondent No. 3 did not follow the instructions contained in the

circulars dated 2nd February, 2010 and 28th February, 2013. It is submitted that unless the students attend 75% classes of theory and 80% practical classes, they cannot be allowed to appear for the examination.

5. We have heard the learned counsel for the petitioners, learned A.G.P. for respondent No. 1/State and learned counsel appearing for respondent No. 2. With their able assistance, perused the pleadings in the petition, annexures thereto, the contents of the civil application and the annexures thereto.

6. Upon careful perusal of the petition, we do not find any specific statement giving the details as regards the manner in which the petitioners have attended the theory and practical classes. In absence of such exercise by the petitioners or for that matter, by respondent No. 3, to demonstrate that as a matter of fact, the petitioners have attended 75% theory periods and 80% practical classes, it is not desirable to invoke the extraordinary jurisdiction and grant relief to the petitioners.

7. In the result, the writ petition is dismissed.

[SANGITRAO S. PATIL]
JUDGE

[S.S. SHINDE]
JUDGE

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