

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

WRIT PETITION NO. 6586 OF 2016

Prateek s/o Ashok Deshmukh

-vs-

State of Maharashtra, Department of Higher and Technical Education and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A.R.Patil, counsel for the petitioner.
Mr.N.H.Joshi, AGP for the respondent No.1.

CORAM : SMT. VASANTI A NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 22.11.2016.

By this writ petition, the petitioner seeks a direction against the respondents to permit the petitioner to appear at the written examinations that are scheduled on 23/11/2016.

The petitioner was admitted to the polytechnic course on 16/08/2016. According to the petitioner, though the classes commenced on 25/08/2016, the petitioner was not able to attend the classes regularly, as in the second week of September, 2016, he suffered a minor accident. It is stated that the petitioner was suffering from cervical muscle strain vertigo and he was, therefore, not able to attend the classes. It is stated that on 20/09/2016 a communication was issued to the parents of the petitioner by the Head of the Department that the petitioner was irregular and not making the submissions timely. The parents of the petitioner were warned that if the petitioner fails to attend the classes, he would be detained. According to the petitioner, the petitioner was not at fault in not attending the classes, as the petitioner was not able to attend the classes as he suffered from cervical muscle strain vertigo.

We are not inclined to entertain the petition and permit the petitioner to appear at the written examinations that are scheduled on 23/11/2016. The writ petition is filed on 22/11/2016 i.e. today

and is mentioned in the morning to be circulated in the afternoon session. The petitioner's attendance was very low and the medical certificate shows that the petitioner only suffered from vertigo. The medical certificate does not show that the petitioner was advised bed rest. Also, though the petitioner was not permitted to appear at the practical examination that was conducted from 10/11/2016 to 15/11/2016, the petitioner did not approach this court at that point of time with a prayer that he should be permitted to appear at the written examinations. Admittedly, since the petitioner has absented himself from the classes and since the polytechnic course is a technical course, it would not be proper to show indulgence in the matter to permit the petitioner to appear at the written examinations that are scheduled from tomorrow. The University Rules provide for minimum 75% attendance and the lack of attendance could be condoned only if a student has attended more than 60% of the classes and practicals. The petitioner has not come up with the figures before this court.

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

JUDGE

JUDGE