

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.27917 of 2016

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking Mandamus, to direct the respondents to continue the petitioner in the MCh.Cardio Thoracic Surgery course by setting aside the proceedings, dated 19.01.2016.

Heard and perused the material available on record.

The petitioner has joined in the 1st respondent institution in Master of Chirurgery (MCh) Cardio Thoracic Surgery course, which is a three years course, from 01.08.2014 and successfully completed his first year. Thereafter, his father suffered with massive heart attack and underwent emergency surgery at Vijayawada, and since his condition was deteriorating, he was rushed to Hyderabad and got admitted in KIMS, Secunderabad. The petitioner, being the eldest son, was asked to attend his father personally and due to the serious condition of his father, he could not able to attend the college for a period of ten months. Since he was absent for a long period, the 1st respondent issued the impugned proceedings, canceling his admission.

Learned counsel for the petitioner submitted that the petitioner has successfully completed his first year course and he could not able to attend the college in view of his father's ill health and also due to some unavoidable circumstances. He further submitted that if the petitioner is allowed to continue his studies from the second year till completion of his course, by paying the entire prescribed fee by the 2nd respondent here, no prejudice will be caused to the 2nd respondent.

Learned Standing Counsel for the respondents 1 and 2, submitted that the absence of the petitioner though claims to be not willful and deliberate, the fact remains that he has not attended the college for a period of ten months and therefore, he is not entitled for continuing the course from the second year onwards.

Considering the rival contentions, and also taking into consideration the contention of the petitioner that he could not able to continue the college due to some unavoidable circumstances, this Court is of the view that the petitioner can be permitted to continue his studies from the second year onwards, by paying the entire fee, which he is liable to pay.

Accordingly, the Writ Petition is disposed of directing the 2nd respondent to allow the petitioner to continue his second and third year course of MCh Cardio Thoracic Surgery, on petitioner paying the prescribed fees to the 2nd respondent. Further, order, dated 19.01.2016, passed by the 1st respondent is hereby set aside.

No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

November 01, 2016.
KTL