

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

-
WRIT APPEAL No. 560 of 2009

Date: 14.06.2016

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Between:

K. Dhatrik

... Appellant

And

The Jawaharlal Nehru Technology University,
Rep., by Vice Chancellor,
Hyderabad & others.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

WRIT APEPAL No. 560 of 2009

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

None appears for the appellant. Sri V. Ramchander Goud
for respondent Nos.1 and 2.

This appeal is directed against the following order, dated
26.03.2009, passed in WPMP.No.8591 of 2009 in W.P.No.6571 of
2009:

“There shall be interim direction to the respondents to
accept the examination fee and permit the petitioner to appear
for the 4/2 Semester examinations, commencing from
20.04.2009, provided there is no shortage of attendance of the
petitioner for II Semester examinations.”

While admitting the appeal, this Court vide order, dated
24.04.2009, in WAMP.No.1118 of 2009 passed the following order:

“The present appeal is filed assailing the order, dated
26.03.2009, passed by the learned Single Judge in
WPMP.No.8591 of 2009 in W.P.No.6571 of 2009.

The order of the learned Single Judge reads as follows:

“There shall be interim direction to the
respondents to accept the examination fee and
permit the petitioner to appear for the 4/2 Semester
examinations, commencing from 20.04.2009,
provided there is no shortage of attendance of the
petitioner for II Semester examinations.”

Now, the present WPMP is filed seeking a direction to
the respondents to accept the examination fee for the 4/2
Semester without any condition pending disposal of the writ

appeal.

The learned counsel for the appellant-petitioner submitted that the appellant-petitioner was not allowed to write the examination on the ground of shortage of attendance.

The learned Standing counsel submitted that the appellant-petitioner has appeared only 133 classes out of 336 classes as per the university rules and secured only 39.58% of attendance and even from the date of the orders of the Court in W.P.No.24272 of 2008 i.e., from 26.12.2008, 239 classes were conducted and the appellant-petitioner has attended only 133 classes, which comes to 55.65% of attendance and as he has not fulfilled the eligibility criteria of the rules, his application fees for examination has not been received.

In the facts and circumstances of the case and in view of the nature of the matter, we are inclined to issue a direction to allow the appellant-petitioner to appear for the balance examinations.

Accordingly, the respondents are directed to allow the appellant-petitioner to appear for the balance of the examinations commencing from 25.04.2009. It is made clear that the results of the appellant-petitioner shall not be declared pending further orders.”

This order is operating since April, 2009. None of the respondents either applied for vacating the interim order or for any other appropriate order. Writ petition is still pending. In view thereof, we do not deem it proper to keep this appeal pending further and we are satisfied that the following order shall meet the ends of justice:

“Without prejudice to the rights and contentions of the parties, the appeal is disposed of in terms of the interim order, dated 24.04.2009, passed in WAMP.No.1118 of 2009. Learned Single Judge is requested to decide the writ petition expeditiously having regard to the fact that the question of student’s career is involved. It is made clear that we have not examined merits of the case. All contentions are kept open.”

Miscellaneous petitions, if any, shall also stand disposed of.

DILIP B.BHOSALE, ACJ

P.

NAVEEN RAO, J

Date: 14.06.2016

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