

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.39506 OF 2015

ORDER

The prayer of the petitioner in this case is as under:

‘For the reasons stated in the accompanying affidavit, the petitioners herein pray that this Honourable High Court may be pleased to pass orders particularly one in the nature of mandamus declaring the action of the 2nd respondent in not allowing the petitioner to complete the backlogs in Intermediate Vocational Course (MPVA) as arbitrary, illegal, irrational and violative of Articles 14 and 21 of the constitution of India and the principles of natural justice and consequently direct the respondents to allow the petitioner to complete the Intermediate (MPVA) Vocational course, and grant such other relief as may be deemed just and proper in the circumstances of the case.’

The prayer in the interlocutory petition filed by the petitioner in W.P.M.P.No.50962 of 2015 in W.P.No.39506 of 2015 is as under:

‘The Hon’ble High Court may be pleased to direct the respondents to receive the petitioner’s application to appear for the Practical examinations of Intermediate(MPVA) course being conducted by the 2nd respondent in March 2016 or such other date pending disposal of the above writ petition and grant such other relief as may be deemed just and necessary in the circumstances of the case.’

The writ petition came up for admission on 07.12.2015 and was adjourned to 09.12.2015 for counter. Thereafter, upon the counter being filed stating that the MPVA course had been discontinued long ago and that the petitioner failed to avail the last opportunity provided for clearing the backlogs, it was adjourned to 18.01.2016 for his reply. The reply was then filed and the matter was adjourned to 02.02.2016 and was directed to be posted in the ‘Motion List (Adjourned Matters)’ List. Today, the matter is taken up out of turn on a mention being made that the practical examinations are to be held tomorrow. Sri Kasa Jaganmohan Reddy, learned counsel for the petitioner, however raised an objection while the

order was being passed, asserting that he had stated during his arguments that the examinations would 'commence' from tomorrow and not that the examinations which the petitioner has to appear in are to be held tomorrow. The learned standing counsel appearing for the Board of Intermediate Education confirms that the learned counsel did, in fact, say that the examinations are to be held tomorrow. She further states that as a matter of practice, the practical examinations are held before the theory examinations and therefore, the reference to March, 2016 was only in the context of the theory examinations and that the practical examinations are scheduled to commence from tomorrow. She reiterated that the MPVA course had been discontinued and pointed out that the petitioner seeks to appear in the IVPE examinations, which are altogether different.

It is therefore clear that the petitioner was not diligent about pursuing his cause and assumed that the backlog practical examinations in which he has to appear are scheduled to be held in March, 2016. The counter affidavit demonstrates past similar lapses on the part of the petitioner.

In the light of the aforestated facts, the petitioner cannot expect an order from this Court at the eleventh hour. It is an admitted fact that the petitioner has not even paid the examination fee till date being under the impression that the examinations were to be held only in March, 2016. Further, it is not demonstrated before this Court that there is any parity in the examinations for MPVA course and IVPE course.

Though Sri Kasa Jaganmohan Reddy, learned counsel, would insist upon advancing further arguments on merits, this Court is not inclined to accept this request, as the petitioner is held disentitled to relief on the short ground that he waited till the eleventh hour for moving the hearing of this writ petition, being under the impression that the examinations were scheduled to be held only in March, 2016, and also misled the Court to believe so.

The writ petition is accordingly dismissed. Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

3rd FEBRUARY, 2016

Note: Issue C.C. in one day.
B/o Svv