

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA
RAO**

WRIT PETITION No.36516 of 2015

ORDER:

In this writ petition, the petitioner challenges the action of the respondents in not permitting him to attend II year I Semester Examination of B.Tech., (C.S.E.) Engineering Course scheduled to be conducted from 09.11.2015 on the ground of deficiency in attendance.

2. Admittedly, the petitioner has attendance of only 63%, which is 2% short of the requisite attendance.

3. The learned counsel for the petitioner submitted that the petitioner was absent for 20 days from 5.9.2015 to 25.9.2015 since he was suffering from jaundice and was advised to take complete bed rest, and if this period is considered, the petitioner would have requisite attendance. It is not the case of the petitioner that there is any power to condone shortage of attendance more than what is conferred on the respondents by the Academic Regulations for the B.Tech Regular Course prescribed by respondent No.1.

4. As per Clause 6 of the said Regulations, the minimum required attendance is 75% and condonation is permissible only by 10%. There is no power to condone

shortage of attendance below 65% and this is specifically mentioned in Clause 6.3.

5. In a decision reported in **B.Yugandhar v. The Principal, Kuppam Engineering College,**^[1] a Division Bench of this Court has held that the Court cannot issue an order to the University to admit a candidate to Semester Examination when he does not fulfil the requirement of minimum attendance even after considering permissible shortage on the ground of sympathy and thereby, violate the mandate of Academic Regulations.

6. Therefore, although the petitioner was allowed to write II year I Semester Examination of B.Tech., (C.S.E.) Engineering examination pursuant to order dt.07.11.2015 granted by this Court, having regard to the above legal position, this Court has no option but to dismiss the writ petition.

7. The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

8. Interim order passed in W.P.M.P.No.47033 of 2015 on 7.11.2015 shall stand vacated and W.V.M.P.No.4928 of 2015 shall stand allowed. Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 01.02.2016
AMD

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[\[1\]](#) 2008(2) ALT 529