

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

WRIT APPEAL No.102 of 2016

Date:12.04.2016

Between:

K.Jaya Chandra Babu, s/o. Venkata Narayanam,
Aged 27 years, 1st Year Intermediate, NGR Jr.College,
Madanapalli, Chittoor District.

.....Appellant/
Petitioner

and

The State of Andhra Pradesh, rep.by its Secretary,
Higher Education Department, Secretariat Buildings,
Hyderabad and others.

.....Respondents

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
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PC: (Per the Hon'ble Sri Justice P.Naveen Rao)

Petitioner prosecuted Multi Purpose Veterinary Assistant (MPVA) Course in 3rd respondent college from the academic year 2010-11. It is a two year vocational course introduced at the Intermediate level. It appears, in the year 2009, a decision was taken to dispense with administering the said course. Accordingly, vide proceedings dated 11.02.2010, all the Colleges imparting the MPVA course were directed not admit the students from the academic year 2010. Managements of some of the junior colleges imparting MPVA courses challenged said decision before this Court. This Court granted interim suspension of the order of the Board.

2. The 3rd respondent college admitted the students, including the petitioner, into MPVA course during the academic year 2010-11. It appears that the college was advised not to continue the students in the course and to divert the students to any other vocational course, but the college continued the students in the same course. Petitioner along with others in 3rd respondent college filed writ petition No.31405 of 2010 challenging the orders of the Board dated 24.11.2010 directing the 3rd respondent to divert the students to any other course. This Court granted interim order to permit the students to write the examinations. The Board conducted examinations to MVPA course after 2009-2010 academic year also. Last of such examinations was conducted in March, 2014. According to the respondents, petitioner failed to appear for practical examinations held in March, 2011, 2012 and 2014. As of now, petitioner cleared all the written examinations and he has backlogs of practical examinations in Chemistry and Biological Sciences.

3. On 25.11.2015, the Board of Intermediate Education issued proceedings in Rc.No.AP-26/V1-1/V.T.B/2005, dated 25.11.2015

giving one more opportunity to the vocational students of the old syllabus to appear in the examinations as one time chance. Petitioner intend to avail this opportunity. As the attempt made by the petitioner to upload his application was not successful, petitioner instituted the instant writ petition. By order impugned, learned single Judge dismissed the writ petition holding that the petitioner was not diligent in pursuing his course.

4. Learned counsel for the petitioner contends that initially Board fixed time limit of five years to complete the course of study in all respects, but later on even this condition was relaxed. Even assuming that five years condition is applicable, petitioner is still entitled to compete in the year 2016 examination since the Board has provided such opportunity and not allowing to appear in the practical examination is *ex facie* illegal. He further submitted that MPVA course was a job oriented course. Unless petitioner completes the course successfully, he cannot secure permanent employment. The very object of introducing vocational course is to encourage the rural youth to acquire knowledge in a vocation and secure employment. Petitioner is working as Veterinary Compounder and if he is not allowed to complete the course of study, he would loose his employment and at this stage he cannot prosecute any other course of study and unless he is permitted to write the examination, grave prejudice would be caused to him, which is irreparable. He further submitted that learned single Judge erred in not appreciating the contention that petitioner intend to avail further opportunity provided by the Board vide proceedings dated 25.11.2015. Having waited for considerable time and having failed to persuade authorities and left with no option, he filed the instant writ petition.

5. Learned standing counsel for the respondent Board contended that petitioner failed to avail opportunity earlier provided and, therefore, he is not entitled to appear in the examinations to clear his backlogs.

We cannot countenance such submission. No provision is brought to our notice which prohibit appearing in subsequent examination if opportunity provided earlier is not availed. She next contended that 3rd respondent do not have the laboratory facilities to conduct practical tests and, therefore, the petitioner cannot be subjected to practical tests.

6. However confronted by the fact that the circular was issued on 25.11.2015 giving one more opportunity, learned standing counsel fairly submitted that if the 3rd respondent college comes forward to conduct the practical examination to the petitioner, after satisfying the Board that it has the infrastructure, the Board would have no objection to permit the 3rd respondent college to conduct such examination.

7. In view of the peculiar facts of this case and having regard to the circular issued by the respondent board on 25.11.2015, it would suffice if the writ appeal is disposed of with the following order:

- i) The 2nd respondent Board is directed to permit the petitioner to attend to practical examinations to clear backlog of papers with reference to MPVA course in the 3rd respondent college, subject to the willingness of the 3rd respondent college to conduct such examination and after ascertaining the competence of the 3rd respondent college in providing appropriate laboratory facilities to conduct such examination.
- ii) If the petitioner is successful in the said examination, he may be granted certificate of pass in MPVA course.

In view of the above order, the order of the learned single Judge is rendered ineffective.

Miscellaneous petitions if any pending shall stand closed. No

costs.

DILIP B. BHOSALE, ACJ

P.NAVEEN RAO, J

Date: 12.04.2016

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