

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.15824 of 2016

ORDER:

The petitioners were students of II year B.Tech second semester in Computer Science Engineering branch, Electronics and Communications Engineering branch and Electrical and Electronics Engineering branch. They have completed the II year first semester examination held in the month of November, 2015, and completed the study of second semester course. They were not permitted to attend the second semester examination on the ground that they have not put in the requisite attendance. In those circumstances, they filed the present Writ Petition challenging the action of the respondents in detaining them in B.Tech II year in the second semester for the academic year 2015-2016 and not allowing them to write the final examinations by showing their names in the list of students detained dated 21.04.2016.

This Court directed the respondents to permit the petitioners to appear for the examinations of II year B.Tech second semester by order dated 29.04.2016. Accordingly, they appeared and passed also. When they were not permitted to appear for the first semester of B.Tech III year examination, this Court passed an order 01.11.2016 by virtue of which they appeared for the said examination. In respect of the second semester of the same year, this Court passed an order on 12.04.2017, as a result of which they appeared for the said

examination. However, the second petitioner withdrew her Writ Petition and an order was passed on 02.06.2017 and the Writ Petition survives to the extent of petitioner Nos.1 and 3.

Now during the course of arguments it came to light that petitioner Nos.1 and 3 put in the attendance of 64.25% excluding their attendance in the mid term examinations. Whether the attendance in the mid term examinations has to be taken into consideration for the purpose of reckoning the attendance was the point involved in the Writ Petition.

In the meanwhile, the classes for the IV year have commenced and the petitioners filed W.P.M.P.No.26939 of 2017 seeking permission to attend the classes.

A counter affidavit is filed stating that the attendance is counted only for instruction days and not for the examinations, and the mid term examination days are excluded from calculating the total number of instruction days. Only during the Telangana agitation, the mid term examination attendance was added, as the required instruction days were not fulfilled. It is admitted that the petitioners have put in the attendance of 64.25%. It is stated that in view of the several decisions of the Supreme Court and this Court, shortage of attendance cannot be condoned. The relevant regulations framed by the University were extracted in the counter affidavit as follows:

“6 Attendance Requirements

6.1 A student is eligible to write the University examinations only if he acquires a

minimum of 75% of attendance in aggregate of all the subjects.

6.2 Condonation of shortage of attendance in aggregate up to 10% (65% and above and below 75%) in each semester or I year may be granted by the College Academic Committee.

6.3 Shortage of Attendance below 65% in aggregate shall not be condoned.

6.4 A student who is short of attendance in semester/I year may seek re-admission into that semester/I year when offered within 4 weeks from the date of the commencement of class work.

6.5 Students whose shortage of attendance is not condoned in any semester/I year are not eligible to write their end semester examination of that class and their registration stands cancelled.

6.6 A stipulated fee shall be payable towards condonation of shortage of attendance.

6.7 A student will be promoted to the next semester if he satisfies the attendance requirement of the present semester/I year, as applicable, including the days of attendance in sports, games, NCC and NSS activities.

6.8 If any candidate fulfills the attendance requirement in the present semester of I year, he shall not be eligible for readmission into the same class.”

The petitioners filed a reply affidavit stating that if the mid term examination attendance is taken into account, there will not be any shortage of attendance and the 0.75% of shortage of attendance occurred due to ill-health and there is no negligence on their part.

Be that as it may, it is to be noted that the petitioners attended the II year second semester examination and first and second semesters of III year examination by virtue of interim orders granted by this Court. If the Writ Petition is dismissed, the result would be that the petitioners have to undergo their

study of second semester of II year, which is illogical. This Court in an unreported decision in **Chitteti Vijay v. The Jawaharlal Nehru Technology University** (W.P.Nos.14557 of 2015 and 12134 of 2016, dated 30.08.2017) allowed the Writ Petitions in identical circumstances.

In the circumstances, in view of appearance of the petitioners for the examinations in previous semesters, if the results were not declared, the same shall be declared and their eligibility for attending the IV year B.Tech course shall be regulated accordingly.

The Writ Petition is, accordingly, allowed in the facts and circumstances of the case. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.



(A.RAMALINGESWARA RAO, J)

11.09.2017
vs