

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.14712 OF 2017

ORDER

This writ petition is filed seeking to declare the action of the respondent authorities in not permitting the petitioners to appear for Pharm-D III year examinations commenced in April, 2017 as illegal and arbitrary.

The petitioners joined Pharm-D course of six years duration in the 4th respondent-College during the academic year 2014-15 after completion of their Intermediate. In the second year examinations, they have failed in three subjects. In spite of the same, they have attended III year classes and when the examinations for III year were about to commence on 17.4.2017, they filed the present writ petition seeking permission to appear for the same.

This Court by order dated 25.4.2017 permitted the petitioners to appear for the examinations, but held that their results should not be declared. Seeking vacation of the said order, W.V.M.P.No.2087 of 2017 is filed and the same is taken up along with the present writ petition.

Learned counsel appearing for the respondent-University submits that as per Pharm-D Regulations 2008 framed by the Pharmacy Council of India, the eligibility for promotion for the next year would be based on the clearance of all subjects in the annual

examinations held for that year. He further submits that failure in more than two subjects shall debar the student from promotion to the next academic year.

In the instant case, admittedly the petitioners failed in three subjects in the second year examinations. Therefore, they ought not to have attended the third year classes. But with the permission of the 4th respondent-College, they have attended III year classes. They approached this Court when the examinations are being held for III year.

Learned Standing Counsel appearing for the respondent-University submits that by the time the order dated 25.4.2017 was passed, III year examinations for some subjects were over and the petitioners appeared for the remaining examinations and that in view of the order of this Court, the results were not declared.

At the stage when the supplementary examinations are about to commence from 9.10.2017, the present writ petition is taken up at the request of the counsel for petitioners.

It is clear from the above facts that the petitioners attended III year classes though they were not eligible to attend the same. Hence, they were not permitted to write the examinations, but by virtue of the interim order passed by this Court, they appeared for three out of six examinations of Pharm-D III year, and their results were not

declared. Now, the last date for payment of examination fee for III year supplementary is over and within the prescribed period they have paid the examination fee for supplementary examinations of II year and they can attend the examinations.

Now, there is no difficulty for the petitioners to appear for the supplementary examinations from 9.10.2017 onwards. Though they attended classes for III year, in view of backlogs in the II year, they could not appear for III year examinations in all papers and their results for the subjects they attended have yet to be declared.

In the circumstances, this Writ Petition is disposed of by directing the respondents to consider the attendance put in by the petitioners for III year classes as regular attendance and permit them to appear for III year annual examinations in April, 2018 subject to their eligibility in II year examinations. Respondents 2 and 3 are directed to declare the results of the petitioners in the examinations held in April, 2017 for III year where they have appeared in terms of the orders of this Court dated 25.4.2017. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

