

THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO

WRIT PETITION No.21690 OF 2017

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, for the following relief:

“to issue a Writ of Mandamus, or any other appropriate writ or order declaring the action of the 1st and 2nd respondents for non-considering the representation dated 04-04-2016 submitted to 1st respondent seeking their permission to permit the petitioner to take regular second year MBBS examinations which are to be conducted by the 1st respondent University in August, 2016 along with one backlog subject Bio-Chemistry (Subject code - 500A) pertaining to 1st year which could not be completed by the schedule time of 2nd year examinations which is a prerequisite for taking 2nd year examinations due to ill health of the petitioner as petitioner is suffering from SVT (Supraventricular tachycardia) since 2012 by relaxing a condition for a period of 6 months as illegal, arbitrary, unreasonable and is against to the principles of natural justice.”

2. Heard learned counsel for the petitioner and perused the prayer in the writ petition with supporting affidavit and also heard the learned standing counsel Sri T.Nageswara Rao for 1st respondent and without notice, M/s.Indus Law Firm, for 2nd respondent from the oral instructions.

3. The petitioner wants to exercise the discretion on sympathetically from the fact that she is suffering from

‘Supraventricular Tachycardia’ since 2012. Equity is different from enforcement of the guidelines. The equity and any discretion in exercise of equity must be without transgressing the guidelines but for as an exceptional case to sub-serve the ends of justice with any little deviation. Here, the case is not falling under any of the categories to exercise the plenary power.

4. Having regard to the above, this writ petition is dismissed, for the Court is unable to concede the request to permit and the expression placed reliance on ***P.Amulya and another Vs. Dr.N.T.R.University of Health Sciences and another¹***, no way directly applicable to the facts including the earlier expression of the Apex Court in ***Sahiti Vs. Dr.N.T.R.University of Health Sciences²***, referred therein. Even the medical journal cited mentioning about the operational difficulties as a research paper, it is not part of the guidelines incorporated even to consider.

5. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

DR.B.SIVA SANKARA RAO, J

21.07.2017
SS

¹ 2010 (2) ALD 228

² 2009 (1) ALD 56 (SC)