

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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WRIT PETITION Nos.14557 of 2015 and 12134 of 2016

Between:

Chitteti Vijay

....Petitioner

and

The Jawaharlal Nehru Technology University,
Kakinada, East Godavari District,
Represented by its Vice Chancellor,
And others.

....Respondents

JUDGMENT PRONOUNCED ON

: 30.08.2017

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO :

1. Whether Reporters of Local newspapers may be allowed to see the Judgments? : Yes
2. Whether the copies of judgment may be Marked to Law Reporters/Journals? : No
3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? : No

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.14557 of 2015 and 12134 of 2016

COMMON ORDER:

These two Writ Petitions are being disposed of by this common order as they were filed by the same petitioner and arise out of the same cause of action.

The petitioner joined B.Tech course in the third respondent college in ECE and was pursuing the third year course when he filed W.P.No.14557 of 2015. He met with an accident on 21.02.2015 and underwent treatment in St.Joseph's General Hospital, Guntur, which resulted in his absence from college for 26 days. When the final examinations of second semester were held he was not given hall ticket on the ground that there was shortage of attendance. He paid the examination fee, but he was not allowed to write the examinations. In those circumstances, he filed W.P.No.14557 of 2015 and this Court by order dated 14.05.2015, while admitting the Writ Petition, granted interim direction, as a result of which he appeared for the supplementary examinations conducted in the year 2015. The results were not declared, but he was allowed to pursue the fourth year course. He appeared for the first semester examination and he was successful in all the subjects. When he paid the examination fee for the second semester of fourth year, he was not permitted to appear for the examinations and hence he filed W.P.No.12134 of 2016 and this

Court, while issuing notice before admission on 12.04.2016, permitted the petitioner to write the examination with a condition that the result shall not be published. Accordingly, he appeared for the examination and the results were not declared for the last one year.

Seeking vacation of the interim order in W.P.No.14557 of 2015, W.V.M.P.No.1766 of 2015 was filed and it was stated that in view of the interim orders of this Court, the petitioner was permitted to appear for the second semester regular/supplementary examinations of the third year B.Tech course. However, it was stated as follows:

- “(A) A student shall be eligible to appear for University examinations if he acquires a minimum of 75% of attendance in aggregate of all the subjects.
- (B) Condonation of shortage of attendance in aggregate up to 10% (65% and above and below 75%) in each semesters for genuine reasons and shall be approved by a committee duly appointed by the college.
- (C) A student will not be promoted to the next semester unless he satisfied the attendance requirement of the present semester. They may seek re-admission for the semester when offered next.
- (D) SHORTAGE OF ATTENDANCE BELOW 65% IN AGGREGATE SHALL IN “NO CASE” BE CONDONED.
- (E) A fee stipulated by the University shall be payable towards condonation of shortage of attendance.”

The point involved in the present Writ Petitions is whether the Writ Petitions have to be allowed and the results can be ordered to be declared or not.

There is no dispute that the petitioner was pursuing third year B.Tech course when he filed W.P.No.14557 of 2015 and during that academic year he put in the attendance of 54%. He was not permitted to write the second semester of third year B.Tech examination as his attendance was less than 65%. As stated above, he appeared for the examination pursuant to the interim order, but the results were not declared. Though the University permitted him to appear for the fourth year course and attend the first semester examinations on its own, he was not permitted to write the second semester examination. As stated above, he appeared for the second semester examination of fourth year by virtue of the interim order of this Court and now results have to be declared.

There is no dispute that the petitioner put in only 54% attendance during the third year which was less than the minimum of 65% of attendance required. The absence due to accident may not be the sole cause for less attendance. However, it appears that there are no backlogs and now he appeared for all the examinations and is awaiting results for the last one year. No doubt in academic matters the Court should not have granted interim orders, but having granted interim orders in a case like this, denial of results would cause hardship to the petitioner. The petitioner already suffered for the last one year and is waiting for declaration of results.

Learned Counsel for the University relied on several decisions stating that the candidates with less than the minimum percentage of attendance shall not be permitted to attend for the examinations and this Court is in agreement with the said submission. However, in view of the interim orders of this Court, the petitioner appeared for the examinations. The academic performance of the petitioner appears to be good as he cleared all the subjects and he has been awaiting the results for the last one year.

Keeping in view the over all facts and circumstances of the case, I am of the opinion that the future of a young man shall not be spoiled by dismissing the Writ Petitions at this length of time resulting in relegation of the petitioner to study the course once again for two years. It would be illogical to ask the petitioner to study third year once again and appear for the examinations after putting in the required percentage of attendance, after completing the fourth year. Each case has to be seen in the light of the facts of that case and the law cannot be applied mechanically. Hence, I am of the view that this is a fit case where the Writ Petitions should be allowed directing respondent Nos.1 and 2 to declare the results of the examinations of second semester of third year and second semester of fourth year B.Tech course for which the petitioner appeared pursuant to the interim orders of this Court.

The Writ Petitions are, accordingly, allowed. The miscellaneous petitions pending in these Writ Petitions, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

30.08.2017
vs

