

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD**

WRIT APPEAL No. 1987 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P.No.14712 of 2017 dated 6.10.2017.

The appellants herein are the petitioners in the Writ Petition. They filed the Writ Petition seeking a mandamus to declare the action of the respondent-authorities in not permitting the appellants-writ petitioners to appear for the third year Pharma D examinations, which commenced in April, 2017, as illegal and unconstitutional. They sought a consequential direction to the respondent-authorities to permit the petitioners to write the third year examinations of Pharma D by issuing admission card, hall ticket etc, to write the third year Pharma D examinations and promote them to IV year Pharma D, while permitting them to complete the six year course.

The fact that the appellants-writ petitioners had more than two backlog papers is not in dispute. It is their case that, despite their having backlogs, they were permitted to attend classes for the third year by the college; as they had secured the required attendance in the third year, they should have been permitted to write the third year examinations in April, 2017; however, the respondent-University had denied them the opportunity of writing not only the third year examinations in April, 2017, but also the supplementary examinations, for the third year, in October, 2017.

By the order under appeal, the learned Single Judge directed the respondents to consider the attendance, put in by the appellants-writ petitioners in the third year classes as regular attendance, and to

permit them to appear for the third year annual examinations in April, 2018, subject to their eligibility in the second year examinations. Respondents 2 and 3 were directed to declare the results of the appellants-writ petitioners in the examinations held in April, 2017 for the third year, which they had appeared in terms of the interim order of this Court dated 25.4.2017.

The appellants-writ petitioners herein appeared for the first year and second year backlog papers in October, 2017. Even prior thereto, they appeared for three papers of the third year in May, 2017. The 2nd respondent-University has, however, not declared either of these results so far.

Sri V.Ramachander Goud, learned Standing Counsel for the 2nd respondent-University, would draw our attention to Regulation 15 of the Pharm-D Regulations, 2008 which prescribes the eligibility for promotion to the next year; and, thereunder, all students who have appeared for all the subjects, and have passed the first year annual examinations, are eligible for promotion to the second year and so on. However failure, in more than two subjects, shall debar the student for promotion to the next year classes. Consequently, it is only if the appellants-writ petitioners have passed in all the papers (except two) in both the first and second year put together, would they be entitled to be promoted to third year.

We consider it appropriate, in such circumstances, to modify the order of the learned Single Judge; and direct the 2nd respondent-University to declare the result of the appellants-writ petitioners with regards the backlog papers, of the first and second year, which they appeared in October, 2017. If, on declaration of the result, the appellants-writ petitioners are found to have passed in all subjects, (except two) then, the University shall declare their third year

examination results which the appellants-writ petitioners had appeared in May, 2017. In case the petitioners are still found to have a backlog of more than two papers in the first year and second year put together, the 2nd respondent-University need not declare their result for the third year. In case the appellants-writ petitioners' backlog, for the first and second year put together, is two or less, then their 3rd year results shall be declared. The appellant-writ petitioners shall also be permitted to appear, for the third year examinations, in the papers in which they failed to pass in May, 2017, in the next ensuing examinations to be held in April, 2018.

The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



RAMESH RANGANATHAN, ACJ

GUDISEVA SHYAM PRASAD, J

27th December, 2017.

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