

THE HON'BLE SRI JUSTICE A. RAJASHEKAR REDDY

W.P.NO.32998 OF 2018

O R D E R

The case of the petitioner is that she secured admission in D.M. (Medical Oncology) in 1st respondent – Institute in the year 2015, as in-service candidate and she is granted P.G. lien for 36 months to complete the course. As the petitioner was seven months pregnant at the time of admission, she was sanctioned 180 days of maternity leave from 8.10.2015 to 3.4.2016. In view of the said leave, vide proceedings dated 09.08.2017, her 1st year period was extended till 26.11.2016 to ensure 80 per cent attendance, as per the Resident Rules Manual 2015. Applying the same principle, she completed 2nd year on 29.09.2017 and she ought to have been promoted to 3rd year on 30.09.2017. The further case of the petitioner is that even if 80 per cent of attendance is taken into account, she should be shown as completed the course by 28.07.2018. But contrary to the material on record, the 2nd and 3rd respondents, have erroneously calculated the percentage of attendance for 2nd year as 94 per cent as on 26.11.2017, and 65.23 per cent for 3rd year by 31.05.2018, and the date of attaining 80 per cent attendance for 3rd year, has been shown as 26.11.2018, though the dates of attaining 80 per cent of attendance for the 2nd and 3rd years are 29.09.2017 and 28.07.2018 respectively. Therefore, petitioner made representation, which was received by the 2nd respondent on 01.08.2018, detailing the attendance particulars, but the 3rd respondent – Sri Venkateswara Institute of Medical Sciences, Tirupati, represented by its Dean, passed the impugned order dated Roc.No.A2/11/L/SVMS/2008 dated 09.08.2017, to the effect that petitioner is falling short of required percentage of attendance. Aggrieved by the said proceedings and withholding the result and original certificate of the petitioner, the present writ petition is filed.

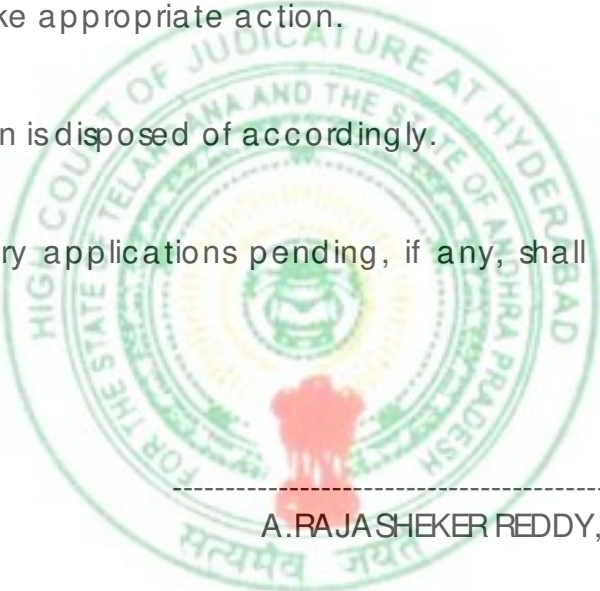
Heard the learned counsel for the petitioner.

Smt. P.Sharada, learned Standing Counsel for respondents submit that since the course is of 36 months duration and as the petitioner was sanctioned leave, unless she completes the duration of the course, result of the petitioner cannot be declared.

Since the impugned proceedings dated 09.08.2017, does not disclose that the representation of the petitioner dated 01.08.2018 was considered, without expressing any opinion on merits, competent authority is directed to consider the said representation in accordance with rules and take appropriate action.

Writ petition is disposed of accordingly.

Interlocutory applications pending, if any, shall stand closed. No costs.



A.RAJA SHEKER REDDY,J

DATE:24—09—2018

AVS