

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITON No. 44748 of 2018

O R D E R:

Heard learned counsel for the petitioner, learned Government Pleader for Higher Education and V.Ramchander Goud, learned Standing Counsel, apart from perusing the entire material available on record.

Notice, dated 03.12.2018, of the second respondent-college, intimating the shortage of attendance of the petitioner herein, along with certain others, while requesting to inform the internal examiner not to conduct laboratory examinations commencing from 03.12.2018, is under challenge in the Writ Petition.

Today when the matter is taken up, written instructions, dated 10.12.2018, furnished by the first respondent-University by way of a letter, addressed to petitioner herein, are placed on record by the learned Standing Counsel. The contents of the said letter read as under:

*“Sub: Reply to your representation dated
26.11.2018-Reg.*

We have received your representation with regards to the shortage of attendance of your son namely Mr.Mutupuri AnuAbhivarya with Roll No.18261A1435 wherein you stated that your son has been suffering ill-health. As you are aware of the Academic Regulations of JNTUH wherein it is required that a student is eligible to write the University examinations only if he acquires minimum of 75 % of attendance in aggregate of all the subjects. Condonation of shortage of attendance in aggregate upto 10 % (65 % and above & below 75 %) in each Semester or Year may be

granted by the College Academic Committee of the relevant college on any genuine or valid ground any event the shortage of attendance below 65% cannot be condoned.

The Hon'ble High Court in several matters has upheld the said regulations of JNTUH. For instance:

- (i) 1973 (2) SCC 298 SC*
- (ii) 2008 (2) ALT 529 AP (DB)*
- (iii) 2000 (4) ALD 630 AP (DB)*
- (iv) 2005 (1) ALD 253 AP (DB)*
- (v) 2012 (2) ALD 578 (DB)*
- (vi) 2016 (2) ALD 371*

Therefore in view of the above, as your son is having 48% of attendance as such the University holds good it's decision of detaining your son Mr.Mutupuri AnuAbhivarya”.

It is submitted that the petitioner herein has 45% attendance only and, as such, the same cannot be condoned. A copy of the common order, dated 20.04.2017, passed in similar cases, vide W.P.Nos.40186 and 40135 of 2016, is placed on record by the learned Standing Counsel. A perusal of the said common order shows that, when a similar issue came up for consideration before this Court, while referring to Regulation No.6 of the University Regulations, this Court declined to consider the request of the petitioners therein.

While dismissing the said Writ Petitions, by referring to the earlier judgment of this Court and the judgment of the Honourable Apex Court, this Court held as follows:

“In the present Writ Petitions also, as per Regulation 6.1, a student is eligible to write the university examinations only if he/she acquires a minimum of 75% of attendance in aggregate of all the subjects and as per Regulation 6.2, only the condonation of shortage of attendance in aggregate up to 10% (65% and above and

below 75%) in each semester or I year is permissible by the College Academic Committee, and Regulation 6.3 in clear and unequivocal terms mandates shortage of attendance below 65% in aggregate shall not be condoned”.

Having regard to the above common order of this Court, and in view of the submissions made by the learned counsel for the petitioner herein, as 45% of the attendance cannot be condoned and is impermissible as per Regulation 6.3 of the University Regulations, this Court does not find any merit in the present Writ Petition.

Accordingly, Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

11th December, 2018
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A.V. SESA SAI, J

