

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.10186 OF 2019

ORDER

The petitioners in this writ petition are studying B.Tech. (Mechanical Engineering) II year, IV semester in the 3rd respondent – Vasavi College of Engineering, represented by its Principal. Since the aggregate percentage of sessional marks of the petitioners are less than 40% in IV semester B.E. course, 3rd respondent passed the impugned order in R.O.No. 001 dated 02.05.2019, advising them to repeat the same course for the next academic year by paying the required tuition fee and they were sought to be restrained to appear for semester theory examinations. Aggrieved by the same, the present writ petition has been filed.

By virtue of the interim order of this court dated 5.5.2019, petitioners were permitted to write IV semester examination of B.E. (Mechanical Engineering) II year and their results were directed to be withheld.

The 3rd respondent – College filed counter affidavit and stated *inter alia* that the college is an autonomous institution and has framed its rules, which are in line with the guidelines of the University Grants Commission and these rules have been approved by the Academic Council and the Board of Governors (BOG) of the college, and as per these rules, a student has to secure a minimum aggregate of 40% sessional marks, to become eligible for appearing in the semester examinations, and if the students fails to secure minimum marks, has to undergo afresh a regular course of study of the corresponding semester in the subsequent academic session in order to become eligible to appear for semester examination. As the petitioners failed to secure the minimum of 40% sessional marks in the IV semester in aggregate, impugned order was passed advising them to repeat the course as per rules. With these averments, the writ petition is sought to be dismissed.

Learned counsel for the petitioners submits that petitioners have required attendance and due to ill-health, they could not secure the minimum of 40% sessional marks in the internal exams conducted by the 3rd respondents, and if they are detained and made to repeat the course, they would be put to irreparable loss. He submits that petitioners have paid the examination fee and by virtue of the interim orders of this court, they were also permitted to write the examinations. He submits that respondents may be directed to declare the results and promote the petitioner to the next semester of course.

Heard the Government Pleader for Higher Education for 1st respondent, Sri M.Srikanth for respondents 2 and 3 and Sri Jagannadha Rao, Standing counsel for respondents 4 and 5.

From the material on record, there is no dispute that the petitioners have secured 34.63% and 35.6% respectively, of sessional marks in the IV semester, and as per the rules governing the field, they are required to secure minimum of 40% in aggregate, and the college, which is an autonomous institution, is empowered to frame such rules, which are as per the guidelines issued by the University Grants Commission. The said rule is not under challenge in this writ petition and hence, petitioners are governed by the rules formulated by the college. Further, in W.P.Nos.31572 and 34760 of 2018 dated 12.10.2018, when the academic rules formulated by the college with regard to Choice Based Credit System for the academic year 2016-17 for promotion of students, was challenged, this court observed that as per Clause 2(b) of the University Grants Commission XII Plan guidelines in respect of Scheme of Autonomous College, the autonomous colleges are free to make use of the expertise of a University Department and other institutions to frame their curricula, devise methods of teaching, examination and evaluation. This court has eventually dismissed the said writ petitions.

As the petitioners secured sessional marks in the IV semester less than 40% in aggregate, 3rd respondent cannot be directed to permit them to write the examinations and declare results. This court cannot issue mandamus, which runs contrary to statute, and the rules framed by the college. Though this court has sympathy towards the petitioners, has no option but to dismiss the writ petition.

For the foregoing reasons, the writ petition fails and is accordingly dismissed.

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

A.RAJASHEKER REDDY,J

DATE:08—07—2019

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