

HON'BLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION No.23259 of 2019

ORDER:

This writ petition is filed to declare the action of respondent No.2 in not taking into consideration the manual attendance of the students of 5th Semester of the 2nd petitioner Institution for the period 19.06.2019 to 23.08.2019 and permitting the eligible students to appear for the examinations scheduled to be commenced from 09.11.2019, as arbitrary and illegal, and consequently sought a direction to respondent No.2 to permit the students for appearing 5th Semester examinations.

Heard Sri M. Ravindranath Reddy, learned counsel for the petitioners, learned Government Pleader for Higher Education, and Sri M. Venugopal Rao, learned Standing Counsel for respondent No.2 – State Board of Technical Education and Training.

The main thrust of the argument of the learned counsel for petitioners is that the 2nd petitioner College is on the verge of its closure as it has already intimated to the authorities concerned of their intention to close the Institution from the Academic Year 2018-19 and the students, who were admitted in the year 2017-18, is the last batch of students in the petitioner College and there are no further admissions in

petitioner No.2 college thereafter. Learned counsel for the petitioners would submit that respondent No.2 authorities have made Biometric Attendance System mandatory for Polytechnic Colleges with effect from 05.11.2018. However, since 2nd petitioner College is on the verge of its closure on account of no intake of students from the Academic Year 2018-19 and they had been representing to the authorities of respondent No.2 for grant of exemption from implementation of the Biometric Attendance System to the 2nd petitioner College. It is also stated that the students, who were admitted for the Academic Year 2017-18, were permitted to write 4th Semester Examination by granting exemption by respondent No.2 authority without insisting for Biometric Attendance System as compulsory. While that being so, even before commencement of the Academic Year with effect from 19.06.2019, the petitioners vide its representation dt.12.06.2019 sought exemption for implementation of Biometric Attendance System in respect of 5th Semester students, being the last Class Room Session. The said request had been followed up vide email dt.13.08.2019 and also letter dt.16.08.2019, but there has been no response from respondent No.2 authorities. In the meantime, the 2nd petitioner college continued to take manual attendance of the students, who are attending the classes. However, it is only on 17.08.2019 respondent No.2 sent a communication to the petitioner intimating that Biometric Attendance System is

required to be implemented, whereupon the petitioners took steps for implementation of the Biometric Attendance System with effect from 26.08.2019.

Now, the issue involved in the present writ petition is, whether the manual attendance of the students of 5th Semester in the 2nd petitioner college for the period from 19.06.2019 to 23.08.2019 is to be taken into consideration or not, for the purpose of calculating attendance percentage for allowing the eligible students to appear for the 5th Semester examinations scheduled from 09.11.2019.

It is not in dispute that the 2nd petitioner college is on the verge of its closure and 5th Semester being the last semester of Class Room Session and thereafter the students are to be imparted with Industrial Training Session only, wherein no attendance would be recorded in the petitioners College. Further, the students of the 2nd petitioner college had been permitted to take examination of the 4th Semester without insisting upon Biometric Attendance System compulsory, apart from the fact that the 2nd petitioner college had been representing respondent No.2 authorities for grant of exemption for implementation of Biometric Attendance System even before the commencement of the current Academic Session, to which the 2nd respondent, for the reasons best known, remained silent and the final decision in

this regard has been communicated to the 2nd petitioner college only on 17.08.2019.

Therefore, having regard to the peculiar facts and circumstances of the case, this Court is of the considered view that the manual attendance of the students, as recorded by the 2nd petitioner college, in respect of the 5th Semester students pursuing Polytechnic Course in the 2nd petitioner College be taken on record and the said students be permitted to appear for 5th Semester examinations scheduled to commence from 09.11.2019. In the event, if the respondent authorities find any discrepancy in the manual recording of attendance of the students of the 2nd petitioner College, the same shall be put to the authorities of 2nd petitioner college before rejecting the cases of such students.

With the above observations and directions, this writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Learned counsel for the respective parties to act on the operative portion of the aforesaid order.

JUSTICE T. VINOD KUMAR

25.10.2019.

NOTE: Issue C.C. by today.
(B/O)
Msr

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