

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.37422 OF 2018

Date: 01.02.2019

Between:

C.Vivek Reddy s/o. C.Kishan Reddy, Aged about 23 years,
Occu: Student, R/o.H.No.Flat No.304, 2nd Block,
Harivillu Apartments, Manikonda, Hyderabad.

....Petitioner

and

Osmania University, Hyderabad, rep.by Registrar,
Hyderabad, Telangana state and others.

.....Respondents

The Court made the following:

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ORDER:

Petitioner is prosecuting Bachelor of Engineering Four Year Degree Course in Chaitanya Bharathi Institute of Technology (Autonomous)- 2nd respondent. Petitioner joined first year of said course in the academic year 2013-14. Holding that petitioner had eleven backlogs in the previous semesters, he was not promoted to first semester of 4th year during academic year 2018-19. Taking clue from the decision of Osmania University dated 08.10.2018 granting promotion to the 4th year even if student has more than 11 backlogs, this writ petition is filed praying to direct the respondents to grant promotion to 1st semester of the 4th year in the academic year 2018-19. Petitioner also prayed to permit the petitioner to attend classes, internal and external examinations for the first semester of 4th year of Bachelor of Engineering under graduation course.

2. This Court granted interim order as prayed for. Second respondent filed counter-affidavit and sought vacation of interim order.

3. Heard learned counsel for petitioner, learned standing counsel for Osmania University and learned counsel representing the 2nd respondent-institute.

4. According to learned counsel for petitioner, by the time petitioner joined in the 2nd respondent-institute, it is affiliated to the Osmania University, and only during the academic year 2015-16, it become fully Autonomous and, therefore, students who

joined in the Bachelor of Engineering Course during the academic year 2013-14 are governed by the orders/circular instructions issued by the Osmania University. Thus, orders issued by the Osmania University on 08.10.2018 relaxing the condition of minimum backlogs of less than 11 to (9+4) is also applicable to all the students, who prosecute the course of study in the 2nd respondent-institute having joined the course prior to granting autonomous status.

5. According to learned counsel for the 2nd respondent, the University Grants Commission granted autonomous status to the 2nd respondent-college vide its order dated 22.05.2013 and those orders came into force from the date of issuing of that order. Once autonomous status is granted to the 2nd respondent-institute by the University Grants Commission, the 2nd respondent-institute is entitled to regulate its academic curriculum, administering courses of study, discipline including the promotion of students from one semester to next semester from one year to another year. As per the rules and regulations notified by the 2nd respondent-institute, a student is eligible for promotion to first semester of 4th year B.Tech., Course if he does not have more than 50% of the backlog papers in the previous years. According to the learned counsel, total number of papers prescribed by the 2nd respondent-institute for three years are 20 and 50% of 20 comes to 10, whereas petitioner had eleven backlogs. These rules are not under challenge. Once autonomous status is granted to the 2nd respondent-institute, the orders/ instructions/guidelines notified by the Osmania University have no application. She further pointed out that petitioner was relying upon the relaxation granted

by the Osmania University, but said relaxation is applicable if the earlier backlogs prescribed are 9 and additional relaxation now granted is four, whereas as contended above, 50% of the backlogs come to 10 and, therefore, the said stipulation has no application. Said orders have no application even otherwise. The Osmania University notified the rules of promotion in July, 2013. These rules of promotions are applicable to the colleges run by the University and its affiliated colleges. As per these rules, maximum number of backlogs permitted for promotion is 9 i.e., 50% of out of 17/18 papers for promotion to first semester of 4th year. The relaxation is now extended by four subjects over and above 9. For the academic year 2016-17 fresh rules and regulations were notified by the Osmania University, which are again applicable to the colleges run by the University and its affiliated colleges. These regulations introduced the credit system. By referring to the credit system in these regulations, learned counsel would point that the decision made by the Osmania University notified on 08.10.2018 granting relaxation is relatable to the students, who are governed by the credit system, but not applicable to the other students, whereas petitioner is not governed by the credit system. She further pointed out that petitioner was detained in July, 2018. Later, the academic session for the first semester of 4th year commenced immediately. By the time interim orders were granted, there were only three classes left to be taken before conducting of examinations. She further submitted that student is not permitted to appear for examinations unless he has 75% of the attendance prescribed. Even though petitioner was falling short of minimum attendance required and had no exposure to course of study

imparted in first semester of 4th year, due to interim orders he was permitted to appear in the examinations. She would further submit that petitioner was detained in the 3rd year and is therefore not entitled to avail relaxation of minimum backlogs. She would further submit that during the entire academic pursuit of the petitioner, he was detained twice, firstly on the ground that shortage of attendance and secondly on the ground of backlogs. Therefore, no equities are applicable to the petitioner.

6. By placing reliance on the decision of the learned single Judge of this Court rendered on 12.10.2018 in W.P.NOs.31572 and 34760 of 2018. She would submit that rules framed by the Osmania University would only apply to its affiliated colleges and to the said University, but not to the 2nd respondent-institute.

7. A student pursuing appropriate academic course of study requires to maintain minimum attendance. Unless a student attends to classes regularly he cannot be said to have learned the course of study imparted by the institution. Such exposure is mandatory to equip himself to future challenges. The respondent institute prescribed 75 % as minimum attendance required to be qualified to write examinations. In a given case, even if a student do not have 75% of the attendance, for the reasons of health etc, he may be permitted to write examinations by granting relaxation of minimum percentage of attendance. In the case on hand, no such contingency arose, petitioner has attended only three classes after the interim order. Therefore, it cannot be said that a student attending only three classes has equipped himself to write examination and qualify in the semester.

8. Further there is merit in the contention of learned counsel for the 2nd respondent that 2nd respondent being the autonomous institute is governed by its rules/regulations and as per the rules/regulations framed by the 2nd respondent, a candidate cannot have more than 50% of the backlog subjects to get promotion for the next semester. The total number of subjects prescribed are 20 and 50% of 20 is 10, whereas petitioner has 11 backlog subjects. As 2nd respondent is an autonomous institution orders issued by the Osmania University granting relaxation of backlog subjects is not applicable to the 2nd respondent. The contention of petitioner if accepted runs contrary to the very concept of granting autonomous status to an institution. The autonomous status pre-supposes its entitlement to regulate its procedures of imparting courses of study, prescribing curriculum, attendance, promotion policy etc., leading to awarding of degrees. Thus, the reliance on the decision of Osmania University dated 08.10.2018 is not valid and as petitioner has more than 10 backlog subjects, he was not eligible for promotion to the first semester of 4th year in the academic year 2018-19.

9. There is no merit in the claim of petitioner and Writ Petition is dismissed. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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