

**HIGH COURT OF CHHATTISGARH, BILASPUR****WPC No. 4161 of 2021**

1. Kirti Choubey D/o Shri Yashwant Choubey, Aged About 20 Years R/o Daulat Estate, Dindayal Upadhyay Nagar, Raipur, District : Raipur, Chhattisgarh
2. Manshi Malik D/o Shri Ravinder Kumar, Aged About 22 Years R/o Sneham House, Rohinipuram, D.D. Nagar, Raipur, District Raipur Chhattisgarh,
3. Prashant Gauram Kurrey S/o Shri Anup Kumar Kurrey, Aged About 23 Years R/o House No. 3513, Ward No. 67, Saket Vihar, Changorabhata Raipur, District Raipur Chhattisgarh.
4. Divyang Mishra S/o Shri Rakesh Kumar Mishra, Aged About 20 Years R/o Near B.P. Pujari School, Ambedkar Chowk, Pandri, Raipur, District Raipur Chhattisgarh.
5. Bhawna Tirkey, D/o Shri Mariyanus Tirkey, Aged About 23 Years R/o Ambakona, Block Manora, District : Jashpur, Chhattisgarh

**---- Petitioner****Versus**

1. State of Chhattisgarh through Director, Medical Education, Indrawati Bhawan, Atal Nagar, New Raipur, District Raipur Chhattisgarh.
2. Rehabilitation Council of India through Secretary, Office At B-22, Qutab Institutional Area, New Delhi- 110016, District : New Delhi, Delhi
3. Pt. Dindayal Upadhyay, Health Science And Ayush University of Chhattisgarh through Registrar, Office At Sector 40, Upparwara, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh.
4. Pt. Jawahar Lal Nehru Memorial Medical College, Through Dean, Jail Road Raipur, District Raipur Chhattisgarh.
5. Head of Department, Department of E.N.T. Pt. Jawahar Lal Nehru Memorial Medical College, Jail Road, Raipur, District Raipur Chhattisgarh.

**--- Respondents**


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For the Petitioners : Mr. Amiyakant Tiwari, Advocate  
 For Respondents 1, 4 & 5 : Mr. Sudeep Agrawal, Advocate  
 For respondent No.2 : Mr. Sharad Mishra, Advocate  
 For respondent No. 3 : Mr. Ajay Dwivedi, Advocate

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board****08.10.2021**

1. The instant petition has been filed to quash the notice dated 22.09.2021 (Annexure P-1) whereby the petitioners who are students of Bachelor in Audiology and Speech Language Pathology (B. ASLP) of 4th and 6th semesters respectively have been declared invalid to appear in the examination due to shortage of attendance.
2. Learned counsel for the petitioners would submit that as per the guidelines of the UGC Notification 2014 issued on the subject issue, the requirement of the attendance is as follows:

**“6.0 Attendance**

Minimum attendance shall be as stipulated by the respective Universities where the students are studying. However, attendance shall not be less than 80% in theory and 90% in Clinical/Practicals in each semester to be eligible to appear for examination at the end of each semester.

Candidates who cannot appear for the examination for want of attendance will be declared as failed and will have to repeat the particular semester to be eligible to appear for exams subsequently.

Condonation of shortage of attendance in genuine case shall be from the Vice Chancellor of the respective University where the candidates are studying.”

3. Learned counsel submits that out of 46 days of clinical practicals, only 3-4 days' ranging to 10 days' non-attendance has been caused. He further submits that the Vice-Chancellors of the respective Universities where the petitioners are studying are also entitled to consider the condonation of attendance shortage and because of the COVID Pandemic situation, certain non-attendance was caused. He further submits that respondent No.5 i.e., Head of the Department of

ENT is not entitled to issue such notice and it is in the domain of the University, therefore, the petitioners may be allowed to appear in the 4th and 6th semester exams scheduled to commence from 11.10.2021 to 27.10.2021.

4. Learned counsel for respondents 1, 4 & 5 would submit that the petitioners suffered shortage of attendance, as such, looking to their short attendance, they were not allowed to appear in the examinations. However, there is a clause in the guidelines of the UGC which empowers the Vice-Chancellors of the Universities to condone the shortage of attendance in genuine cases.
5. Considering the fact that the petitioners are the Students of B.ASLP course and they are prosecuting their studies with respondent no.4 and Clause 6 relating to attendance also gives a silver lining in case of shortage of attendance, which may be considered by the Vice Chancellor. The petitioners may forthwith file an application to the Vice Chancellor to condone the shortage of attendance and if the applications are filed, the Vice Chancellors may decide the same before the ensuing examinations which are scheduled to commence from 11th October to 27th October, 2021.

Cc today.

**Sd/-  
GOUTAM BHADURI  
JUDGE**