



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3667 OF 2023

Rohit S/o Mohanrao Hambarde, Indira Niwas, Vishnupuri, Nanded

-VS-

State of Maharashtra, University of Health Science, Nashik, Thr. Vice Chancellor, Nashik and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A. R. Wagh, Advocate for petitioner.

Shri J. B. Jaiswal, Advocate for respondent Nos.1 to 3.

Shri A. S. Kolhe, Advocate with Shri A. P. Kalmegh, Advocate for respondent No.4.

CORAM : A. S. CHANDURKAR AND ABHAY J. MANTRI, JJ.

DATE : November 09, 2023

P. C.

1. Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioner prays for a direction to be issued to respondent Nos.1 to 3 to declare his result for the IIInd year B.D.S. examination conducted by it. The petitioner's result was not being declared on the ground that the requirements of the B.D.S. Course Regulations 2007 alongwith Ordinance No.1 of 2014 (for short, the Ordinance of 2014), were not complied with in the matter of minimum attendance required. As per Clause-40 of the Ordinance of 2014, minimum attendance of 75% of the course of instruction and 80% in practical work is prescribed.

3. Pursuant to the order dated 23/06/2023 an additional affidavit has been filed by the respondent No.4-College. In paragraph 7 it has

been stated as under :

7. ... Thus from the above it can be seen that the petitioner has completed 193 Teaching Days out of his Total Term of 238 days i.e. from 01/11/2022 to 26/06/2023 which shows the attendance of the petitioner to the extent of 81.092%.

4. Thus, it is clear that the attendance of the petitioner is stated to be 81.092% which is above the minimum prescribed by Clause-40 of the Ordinance of 2014.

5. In view of aforesaid, since the petitioner has satisfied the requirement of 'Prosecution of a regular course of study', there does not appear to be any legal impediment in directing the respondent Nos.1 to 3 to declare the petitioner's result for the IInd year B.D.S. examination that was not being declared pursuant to the interim orders passed in the present writ petition.

6. Accordingly, the writ petition is disposed of by directing the respondent Nos.1 to 3 to declare the petitioner's result for the IInd year B.D.S. examination. Rule accordingly. No costs.

(Abhay J. Mantri, J.)

(A. S. Chandurkar, J.)