Court No. - 1

Case :- SPECIAL APPEAL No. - 135 of 2024

Appellant :- Subhashini Tomar And Others
Respondent :- State Of U.P. Thru. Prin. Secy., Medical Education And Training, Lucknow And Others
Counsel for Appellant :- Ratnesh Chandra,Abhishek Pratap,Mahima Dixit
Counsel for Respondent :- C.S.C.,Akhilesh Kumar Srivastava,Gyanendra Kumar Srivastava,Mrityunjay Pratap Singh,Mudit Agarwal

Hon'ble Attau Rahman Masoodi,J.
Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ratnesh Chandra, the learned counsel for the appellants, Ms. Isha Mittal, learned Additional Chief Standing Counsel for the State, Sri Shamim Rizvi, Advocate holding brief of Sri Akhilesh Srivastava, the learned counsel for the opposite parties no.3 and 4, Sri Gyanendra Srivastava, the learned counsel for the opposite party no.5, Sri Mrityunjay Pratap Singh, the learned counsel appearing on behalf of opposite party no.6 and perused the records.

2. The learned counsel for the opposite party no.6-College on the basis of instructions has submitted that out of sixteen appellants in the present intra court appeal, twelve have become eligible for appearing in the university examination which is likely to be scheduled in the month of January/February 2025. The remaining four candidates-appellants no.8, 9, 12 and 14 are not eligible as on date, however, it is open to them to make up their attendance up to the satisfactory level before the scheduled date of examination as mentioned above. Thus, the candidates who have become eligible as well as who are ineligible as on

date mentioned above, are expected to make up their attendance and are expected to attend the classes regularly even if the requisite standards of attendance has already been fulfilled till date until the examinations are held by the university. Fulfillment of standard of attendance does not imply that a student may evade his presence in the classes merely on that account. Fulfillment of hundred percent attendance by itself is a mark of dedication towards the education and would reflect good conduct.

3. It is also pointed out that all the appellants have been permitted to appear in the university examination upon fulfillment of the attendance for which the facility has been extended and a few of them are yet to touch the satisfactory standard of attendance.

4. The appellants shall apply for appearing in the examination timely so that there is no difficulty in their participation in the examination. The opposite parties upon participation of the appellants in the university examination to be scheduled in the month of January/February 2025 are directed to declare their result timely so that the appellants may go ahead with their education timely as per the result declared.

5. We also strike a note of caution for the Management to ensure that the teachers are disciplined to hold the classes as per the scheduled, including the extra classes required to be held, if any.

6. With the aforesaid observations/directions, the special appeal stands ***disposed of***.

7. The appellants shall have an opportunity to make an

application in the matter if any grievance arises with respect to their permission or participation in the ensuing university examination.

[Subhash Vidyarthi, J.] [A.R. Masoodi, J.]

Order Date :- 14.11.2024
Ram.

Digitally signed by :-
RAM SINGH
High Court of Judicature at Allahabad,
Lucknow Bench