
(2009) 12 AP CK 0048
In the Andhra Pradesh High Court
Case No : Writ Petition No. 18620 of 2007

A. Sitaram Babu	Vs	APPELLANT
State Board of Technical Education and Training and Another		RESPONDENT

Date of Decision : 05-12-2009

Acts Referred:

Citation : (2010) 1 ALD 533 : (2010) 2 ALT 311

Hon'ble Judges : L. Narasimha Reddy, J

Bench : Single Bench

Advocate : A. Venkataramana, for the Appellant; P.V.S.S.S. Rama Rao, for the Respondent

Final Decision : Allowed

Judgement

L. Narasimha Reddy, J.—The petitioner passed B.Sc. in the year 1989. He joined the first year of D. Pharmacy course conducted by the 1st respondent during the academic year 2002-2003, in the 2nd respondent college. The duration of the course is two years. After he completed one year of study, he discontinued and did not appear in the first year examination. In fact, he was denied hall-ticket on account of shortage of attendance. The petitioner approached the 2nd respondent in July 2005, with a request to re-admit him into the course. The request was acceded to, and the petitioner was re-admitted. He appeared in the first year examination in April 2006, but did not pass in two subjects. He cleared the same in supplementary examination and was promoted to second year.

2. After completing the study of first year, petitioner paid examination fee for second year examination in January 2007. The 1st respondent issued hall-tickets and the petitioner had undergone practical and theory examination. However, the results were not declared by the 1st respondent. The petitioner as well as the 2nd respondent addressed letters to the 1st respondent to declare the results of the petitioner for second year study. Through communication dated 19.07.2007, the 1st respondent stated that the petitioner studied the course for double the duration, and as such, his appearance in the second year examination is

cancelled. The same is challenged in this writ petition.

3. Heard learned Counsel for the petitioner, learned Government Pleader for Technical Education and learned Counsel for the 2nd respondent.

4. The petitioner joined the course during the academic year 2002-2003. However, he discontinued for a period of almost two years. Thereafter, he sought re-admission. Though the record is not clear as to whether the re-admission was approved by the 1st respondent or not, it becomes clear that a tacit approval emerged in the form of issuance of hall-ticket to the petitioner for the first year examination, as well as for the supplementary examination thereof. Even for the second year examination, the 1st respondent issued hall-ticket to the petitioner and accordingly, he appeared in the examination. Though the results of the second year examination held in March/April 2007 were declared, the result of the petitioner was withheld. No explanation was called from the petitioner, much less any notice was issued. It is only a reply to the letters addressed by the petitioner and the 2nd respondent, that the 1st respondent stated the reason for non-declaration of result of the petitioner for the second year study. It was mentioned that the petitioner studied the course for double the duration and as such, incurred disqualification.

5. It may be true that the University has framed a rule to the effect that a candidate must complete the course within double the duration stipulated therefor. The duration of the course is two years and a student is supposed to complete it within four years from the date of admission. The period of four years appears to have elapsed at a time, when the petitioner was studying the second year. Serious doubt exists as to the date with reference to the period of four years must be reckoned. If the final year of the student is commenced before expiry of four years, his study cannot be interrupted halfway through. A reasonable interpretation of the rule would be that the maximum period must elapse by the time the candidate joins the last year of the course.

6. Take for instance, a case where three and half years have elapsed by the time a candidate had been promoted to second year. His promotion cannot be denied, since the maximum period of four years is yet to elapse. Once a candidate is validly promoted, he cannot be denied the right to appear in the examination on the ground that the maximum period expires, while he is studying the final year. In the instant case also, the petitioner did not incur any disqualification, when he was promoted to the second year. As a matter of fact, the University itself approved the promotion of the petitioner to second year by issuing hall-ticket, enabling him. to appear in the theory and practical examinations. A legitimate expectation accrues to the petitioner. Hypertechnical approach cannot be adopted, while interpreting the rules of this nature. If extended to the level of absurdity, a situation may arise, where the four-year period expires after the candidate appeared in some of the examinations.

7. For the foregoing reasons, the writ petition is allowed, and the respondents

are directed to declare the results of the petitioner for the second year examination of D. Pharmacy held in March/April 2007 and issue the Memorandum of Marks and other related documents to him. There shall be no order as to costs.