
(2013) 08 MP CK 0028

In the Madhya Pradesh High Court

Case No : Writ Petition No. 20215 of 2011

Arsdul Kadri

APPELLANT

Vs

The State of Madhya Pradesh

RESPONDENT

Date of Decision : 26-08-2013

Acts Referred:

Citation : (2013) 08 MP CK 0028

Hon'ble Judges : Sanjay Yadav, J

Bench : Single Bench

Advocate : H.S. Verma, for the Appellant; S.S. Bisen, Learned Government Advocate for respondent Nos. 1, 4 and 5 and None for respondent Nos. 2 and 3, for the Respondent

Final Decision : Dismissed

Judgement

Sanjay Yadav, J.—Petitioner, a student of Master of Social Work from Government Thakur Ranmat Singh Autonomous College, Rewa enrolled with Awadhesh Pratap Singh, University, Rewa vide this petition seeks direction to respondents to give him chance to appear in 3rd semester examination of Master of Social Work and to allow the petitioner to complete his master's degree. It is the contention of the petitioner that after taking admission in Master of Social Work in the year 2010 the petitioner passed his 1st semester examination and was given admission in 2nd semester. It is urged that examination of 2nd semester was held in 2011 and as per the statement of marks of examination the petitioner was promoted to next semester. It is contended that despite of his being promoted to next grade the petitioner has not been allowed to appear in third semester examination.

2. It be noted that while issuing notice to respondents the petitioner was allowed to appear in Master of Social Work third semester examination; however, respondents were directed not to declare the result.

3. On being noticed respondents have filed return wherein it is stated that for

appearing in third semester examination incumbent it was upon the petitioner to pass the second semester examination. Whereas, in the case of petitioner, he absented himself in all papers of second semester of Master of Social Work, i.e., Paper V Sociology for Social Work in India, Paper VI Human Growth and Development, Paper VII Counselling Theory and Practices, Paper VIII Social Group Work and Paper IX Orientation, Concurrent Field Work and Viva-Voce.

4. It is contended that though the petitioner remained absent in all papers of second semester yet due to mistake of computer result was shown as promoted. It is urged that the result, however, is not in consonance with the marks obtained by the petitioner as the petitioner has remained absent in all papers of second semester. It is accordingly urged that because of his being absent in all papers of second semester he was not eligible to appear in third semester. The respondents have placed reliance on sub-clause (iii) of clause 3 of Ordinance No. 87, which stipulates:

(iii) A candidate shall be eligible to appear in the succeeding semester examination after having passed the preceding semester.

Provided that a student who is not eligible to pass a semester examination in theory papers/internal assessment/field work and viva-voce may be allowed to keep term in the next higher semester and will be eligible to appear in the examination if the number of failure at any time does not exceed four.

Provided further that he/she shall be eligible to appear in the previous semester examination for clearing the deficiency/deficiencies as and when the said examination would be normally held i.e., the deficiencies of semester-I should be cleared alongwith semester III examination while the deficiencies of semester II with semester IV examination. The deficiencies of semester III and IV shall be cleared in subsequent semester III and IV examinations as and when held.

Deficiencies of internal sessional assessment and/or field-work, viva-voce etc. shall be cleared not later than four weeks after the end of each academic year. The department will provide opportunities to clear the deficiencies of the internal sessional assessment/field work and viva-voce.

5. No rejoinder has been filed to contradict the stand taken by the respondents that the petitioner absented himself from all the papers in second semester. This fact is also evident from the statement of marks of examination of third semester brought on record as Annexure P-2. There being no denial of the fact that petitioner remained absent in all the papers of second semester and no rules or regulation has been commended at as would permit a student like the petitioner who absented himself from all papers of a semester, no relief can be granted to the petitioner. In view whereof petition fails and is dismissed. The interim order dated 1.12.2011 stands vacated. No costs.