

(2014) 11 AP CK 0072
In the Andhra Pradesh High Court
Case No : Writ Petition No. 35632 of 2014

D. Prashanth Reddy

APPELLANT

Vs

Osmania University

RESPONDENT

Date of Decision : 26-11-2014

Acts Referred:

Citation : (2015) 5 ALD 54

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : K. Lakshmi Narasimha, Advocate for the Appellant; Deepak Bhattacharjee, SC, Advocate for the Respondent

Judgement

C.V. Nagarjuna Reddy, J.—This Writ Petition is filed for a mandamus to declare the action of the respondents in denying re-admission to the petitioner into the First Semester of B.E. (IT) III Year course for the year 2014-15 even after satisfying the backlog limit after re-valuation, as illegal and arbitrary.

2. The petitioner, while pursuing his Second Semester of II Year B.E. (IT) course, was found to have 13 backlog subjects. However, before declaration of the results of the Second Semester of the II Year, the petitioner was permitted to attend the classes of the First Semester of the III Year. The petitioner has applied for re-valuation and in the said re-valuation, he is declared to have passed in Signals and Systems subject with 41 marks. As a result, the petitioner's backlog papers got reduced to 12 and though the petitioner is entitled to promotion to the III Year, the respondents have not passed any order in this regard. Therefore, the petitioner filed this Writ Petition.

3. Sri Deepak Bhattacharjee, learned Standing Counsel for respondent No. 1-University did not dispute the fact that the petitioner was declared to have passed in the Signals & Systems paper in the revaluation and that accordingly his backlogs have got reduced to 12. He has also not disputed the fact that the petitioner has attended the classes of the First Semester of the III Year and that

therefore the petitioner has got the required attendance. The learned counsel placed before the Court Circular No. 1557/I/Acad/2009, dated 23-9-2009 of respondent No. 1, and submitted that in case of the students who passed in the revaluation, they will be permitted to continue the next higher class by calculating their attendance from the date of announcement of the revaluation results and that in case if Internal Examinations were already conducted, they can be conducted to such students separately.

4. The result in re-valuation of any subject shall date back to the date of declaration of the original result. A student cannot be penalized if he is found to have passed in the re-valuation. The circular dated 23-9-2009 of respondent No. 1 reflects this spirit.

5. For the above mentioned reasons, the Writ Petition is allowed with the direction to the respondents to permit the petitioner to pursue the III Year B.E. (IT) course by treating him as being eligible for promotion. If Internal Examinations have already been held, the respondents are directed to hold such examinations to the petitioner separately as per the above mentioned circular, however, subject to the petitioner putting in the required attendance reckoned from the date of declaration of the result in the re-valuation.

6. As a sequel to the disposal of the Writ Petition, WPMP No. 44578 of 2014 is disposed of as infructuous.