
(2008) 09 AP CK 0043

In the Andhra Pradesh High Court

Case No : Writ Petition No. 18064 of 2008

D.L. Manohar

APPELLANT

Vs

Osmania University and Others

RESPONDENT

Date of Decision : 01-09-2008

Acts Referred:

Citation : (2009) 3 ALD 5 : (2008) 6 ALT 430

Hon'ble Judges : B. Seshasayana Reddy, J

Bench : Single Bench

Advocate : K. Raghuveer Reddy, for the Appellant; Deepak Bhattacharjee for Respondent Nos. 1 and 2, for the Respondent

Judgement

B. Seshasayana Reddy, J.—This writ petition has been filed by D.L. Manohar, with a prayer to issue a Writ of Mandamus or any other appropriate writ or writs, declaring the Memo dated 2.07.2008 issued by the Assistant Registrar (Academic), Osmania University, whereby and whereunder, the request of the petitioner for admission into third year B. Tech during the year 2008-09 has been rejected.

2. The petitioner joined in the 3rd respondent college in the first year B. Tech course in the year 2001-02. He fell ill during 2002-03 and thereby, discontinued his studies. After recovery from ill-health, he sought for readmission into the college in the regular course. He submitted an application on 09.07.2008 requesting for readmission into the third year course. His request came to be rejected on the ground that even if he is admitted in third year course, he would not be in a position to complete the course within double the duration of the course. The said memo is under challenge in this writ petition.

3. When the writ petition came up for admission, Sri Deepak Bhattacharjee, learned standing counsel of the Osmania University, received notice on behalf of respondents 1 and 2.

4. Heard the learned Counsel appearing for the petitioner and the learned

Standing Counsel for Osmania University, appearing for respondents 1 and 2.

5. Learned Counsel appearing for the petitioner submits that the petitioner undertakes to take Transfer Certificate after completing third year B. Tech course and in which case, there will not be impediment for the respondents to admit the petitioner in the third year B. Tech course.

6. The petitioner placed on record an affidavit to that effect. It is stated in the affidavit that after completing the third year engineering course, he will be taking T.C. For better appreciation, I may refer to para 3 of the affidavit, and it is thus:

I submit that I have made an application on 09.07.2008 seeking readmission into III year Engineering Course, but the same was refused by memo dated 23.07.2008 on the ground that I was not able to complete the course within double during period. I submit that I had joined in I year Engineering Course during the year 2001-02 and the period of 8 years complete by May 2009. Since 8 years period has not been completed, I am entitled to prosecute my III year Engineering Course now. Since I cannot complete my Engineering Course within 8 years period, the respondents can deny my admission into IV year Engineering Course on the ground that 8 years period has elapsed. But in so far as admission into III year Engineering Course is concerned, they cannot refuse admission to me. I submit that I will not claim any equities seeking readmission into IV year Engineering Course, and if the present rules are in force, even for the academic year 2009-10, I will take TC after completing III year Engineering Course and study IV year Engineering Course in the State of Maharashtra. For admission into IV year Engineering Course, No Objection Letter has already been issued to me by Maharashtra Engineering College, Nilanga, Lathurr District. To this effect, I have also filed a representation on 26.08.2008 before the respondent university under acknowledgement.

7. As per the readmission rules and procedure, the candidate should be able to complete the course within the double the duration of the course from the year of his/her original admission. The petitioner was admitted in the B. Tech course in the year 2001-02.

8. Therefore, the maximum period permissible for the petitioner to complete the course is 2008-09. Petitioner placed on record an affidavit that he would be taking TC after completing third year B. Tech course from the 1st respondent university.

9. In that view of the matter, the writ petition is disposed of directing the respondents to permit the petitioner to pursue third year B. Tech course in the 3rd respondent college, subject to his giving undertaking to the 3rd respondent college that he will be taking TC after completing the third year course. There shall be no order as to costs.