
(2014) 11 AP CK 0153
In the Andhra Pradesh High Court
Case No : Writ Petition No. 14776 of 2014

M. Jaiwanth

APPELLANT

Vs

Jawaharlal Nehru Technological University and Others

RESPONDENT

Date of Decision : 19-11-2014

Acts Referred:

Citation : (2015) 1 ALD 651 : (2015) 5 ALT 88

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

Bench : Single Bench

Advocate : P. Sudheer Rao, Advocates for the Appellant; A. Abhishek Reddy, Advocates 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 not permitting the petitioner to write II semester examinations of IIIrd year B. Tech (ECE) course, as illegal and arbitrary.

2. The petitioner has not disputed that he has put in only 29% of attendance, as against the minimum attendance of 65%, in IInd semester of IIIrd year Engineering Course. The excuse offered by the petitioner for this is that he was entrusted with the work of securing some funds from different organizations, through the State Bank of Hyderabad, for conducting fest programme, by respondent No. 2, during the period from 17.02.2014 to 10.03.2014 and in connection with the said programme, he could not attend the College for more than 22 days. The petitioner has, accordingly, pleaded that respondent No. 1-University may be directed to condone the shortage of attendance and permit him to appear for IInd semester examinations of IIIrd year B.Tech course.

3. Though notice was ordered and learned counsel for the petitioner was permitted to take out personal notice to respondent No. 2, notice has not been taken out by learned counsel for the petitioner to respondent No. 2.

4. At the outset, it needs to be mentioned that the pleadings raised by the petitioner relating to the alleged entrustment of work by respondent No. 2-

College are as vague as vagueness could be. No shred of evidence is placed before the Court to show that respondent No. 2 has entrusted any such work to the petitioner. Even assuming that such work is entrusted by respondent No. 2 to the petitioner, the same does not constitute a ground for condonation of shortage of attendance.

5. Regulation-5 of JNTUH Academic Regulations reads as under:

"Attendance Requirements:

(i) A student shall be eligible to appear for University examinations, if he acquires a minimum of 75% of attendance in aggregate of all the subjects.

(ii) Shortage of attendance below 65% in aggregate shall in NO case be condoned.

(iii) Condonation of shortage of attendance in aggregate up to 10% (65% and above and below 75%) in each semester or I year may be granted by the College Academic Committee.

(iv) A student will not be promoted to the next semester unless he satisfies the attendance requirement of the present semester/I year, as applicable. They may seek re-admission for that semester/I year when offered next.

(v) Students whose shortage of attendance is not condoned in any semester/I year are not eligible to take their end examination of that class and their registration shall stand cancelled (vi) A stipulated fee shall be payable towards Condonation of shortage of attendance"

6. In my opinion, besides the petitioner failing to substantiate his plea that he was engaged by respondent No. 2 for the work which was unconnected with the academic activity, he is not entitled to any relief even if this plea is accepted for, the Regulations of respondent No. 1-University do not recognize such activities as a ground for condonation of shortage of attendance.

7. As held by a Division Bench of this Court, to which I am a party, in B. Yugandhar Vs. Principal, Kuppam Engineering College and Another, by a judicial fiat, this Court cannot direct respondent No. 1-University to condone shortage of attendance of the petitioner contrary to the Regulations.

8. For the above-mentioned reasons, the Writ Petition is dismissed.

9. Sri P. Sudheer Rao, learned counsel for the petitioner, submitted that by interim order, dated 29.05.2014, this Court directed the respondents to permit the petitioner to appear for the IInd semester examinations of IIIrd year B.Tech course; that in pursuance of another interim order, dated 26.09.2014, respondent No. 1 has declared the results of IInd semester examinations of IIIrd year B.Tech course of the petitioner; and that as of now, the petitioner is pursuing 1st semester of IVth year B.Tech course.

10. In my opinion, the petitioner cannot take advantage of the interim orders

passed by this Court to plead equities. The interim orders and the benefit accrued on account of such orders would automatically perish with the dismissal of the Writ Petition. Therefore, the petitioner is liable to be reverted to IInd semester of IIIrd year B.Tech course as a consequence of dismissal of the Writ Petition.

11. As a sequel, interim orders, dated 29.05.2014 and 26.09.2014 are vacated and W.P.M.P. Nos. 18314 and 36192 of 2014 are dismissed as infructuous.