

(2017) 10 KAR CK 0019
In the Karnataka High Court
Case No : 5587-5592 of 2017

MELVIN FRANCIS & ORS.

APPELLANT

Vs

THE STATE OF KARNATAKA

RESPONDENT

Date of Decision : 12-10-2017

Acts Referred:

Citation : (2017) 10 KAR CK 0019

Hon'ble Judges : H.G.Ramesh, P.S.Dinesh Kumar

Bench : DIVISION BENCH

Advocate : K.G.RAGHAVAN, A.K.LAW CHAMBERS, V.SREENIDHI, SANDHYA.D

Final Decision : Dismissed

Judgement

1. These intra Court appeals by the students are directed against the order dated 10.08.2017 passed by a learned Single Judge of this Court in W.P.Nos.22655-22664/2017. By the said order, the learned Single Judge has declined to permit the appellants to take the II PUC examination for want of the required attendance.
2. We have heard Sri K.G.Raghavan, learned Senior Counsel appearing for AK Law Chambers for the appellants, learned Counsel appearing for the respondents and perused the record.
3. The learned Senior Counsel submitted that the impugned order is contrary to a decision of this Court in Prajwal Kumar Patil vs. Rajiv Gandhi University of Health Sciences & Ors. [ILR 2016 KAR 240] which is also rendered by the learned Single Judge.
4. To examine as to whether the appellants were eligible to appear for the examination in the absence of the requisite attendance, it is relevant to refer to Rule 12 of the Karnataka Pre-University Education (Academic, Registration, Administration and Grant-in-Aid etc.) Rules, 2006 ("the Rules" for short) which reads as follows: "12. Minimum days of attendance.-(1) A student shall have

attendance of 75 per cent of the total number of periods in each subject during the academic year to become eligible to appear for the annual examination.

(2) The Director shall notify the minimum number of hours of periods of teaching in respect of each subject and also the minimum number of hours of experiments to be conducted by the student in each science subject. A student who fails to put in the minimum period of study and attendance in the class and also a science student who fails to conduct the minimum hours of experiments in the laboratories successfully, shall not be eligible to appear for the annual examination."

5. As could be seen from Rule 12 extracted above, to become eligible to appear for the annual examination, a minimum attendance of 75 per cent of the total number of periods in each subject during the academic year is required. The Rule does not provide for any relaxation of the minimum attendance to any extent under any circumstance. Therefore, compliance of Rule 12 is mandatory. In other words, unless a student has the minimum attendance as required under Rule 12 of the Rules during the academic year, he shall not be eligible to appear for the annual examination.

6. Sri K.G.Raghavan, learned Senior Counsel fairly submitted that the attendance put in by the appellants is between 26% and 58%. Therefore, admittedly, the appellants had not put in the minimum attendance as required under Rule 12 of the Rules, and hence, were ineligible to appear for the examination. The decision referred to by the learned Senior Counsel has no application to this case as it was not rendered in the context of Rule 12 extracted above. In view of the above, we find no ground to interfere with the order of the learned Single Judge. Appeals dismissed.