

(2015) 07 JH CK 0082
In the Jharkhand High Court
Case No : WP(C) No. 3386 of 2015

Shashi Ranjan

APPELLANT

Vs

Indian School of Mines University and Others

RESPONDENT

Date of Decision : 28-07-2015

Acts Referred:

Citation : (2015) 3 JLJR 452

Hon'ble Judges : S. Chandrashekhar, J

Bench : Single Bench

Advocate : Sohail Anwar and Shivani Verma, for the Appellant; Anoop Kumar Mehta, Advocates for the Respondent

Judgement

S. Chandrashekhar, J—Aggrieved by order contained in letter dated 21.7.2015 issued by Deputy Registrar (Exam. & Acad.), Indian School of Mines whereby, the petitioner has been debarred from appearing in 2nd Semester Special Examination in two subjects namely, Waste Water Engineering and Remote Sensing & GIS, the present writ petition has been filed. The learned senior counsel for the petitioner refers to representation dated 31.3.2015 seeking permission to attend special classes, on which the Head of Department made an endorsement "permitted". The learned senior counsel further refers to certificate issued by the Head of Department of the Environmental Science and Engineering, a copy of which is annexed as Annexure-5 to the writ petition and submits that the petitioner, who was suffering from Spinal Spondylitis due to which, he was not able to attend classes, was permitted to attend special classes. The petitioner completed more than required 75% attendance in both the subjects and thus, he is eligible for appearing in the special examination, which has commenced from 27.7.2015.

2. Mr. Anoop Kr. Mehta, the learned counsel for the respondent-ISM submits that since the petitioner failed to attain minimum 60% attendance, which would have made him eligible for grant of permission for attending special classes, the petitioner has been debarred from appearing in two papers. It is submitted that

the Head of the Department has tendered an apology on 27.7.2015 to the Director, ISM.

3. A perusal of Clause 3.1 of the Master of Technology (Examination and Miscellaneous Provisions) Rules, 2006 mandates that a student must attend 75% classes actually held in the subject. However, an exception has been made for the students, who did not achieve 75% attendance. The condition permitting a student with 60% or more attendance to make up shortfall of attendance of special examination does not deal with the medical condition of a student, who was completely rendered immobile. Mr. Anoop Kumar Mehta, the learned counsel for the respondent-ISM tries to read the expression "late registration, sick, family calamities and such other contingencies" in Clause 3.1 into Clause 3.2. However, at the first glance, I am not satisfied that in any eventuality, a student cannot be permitted to appear in special examination unless he/she has 60% or more attendance in a subject. The petitioner has attended requisite number of special classes by virtue of the permission granted by the Head of Department on 1.4.2015.

4. Keeping in view the aforesaid facts and circumstances, I am of the opinion that at this stage not permitting the petitioner to appear in the examination would result in irreversible consequence, which may not be remedied, subsequently. Accordingly, the respondents are directed to permit the petitioner to appear in the examination, which would be held on 29th and 31st of July, 2015. However, the same shall be subject to the outcome of the writ petition.

5. Four weeks" time is granted to the respondent-ISM for filing counter-affidavit. The petitioner is directed to produce medical reports. Post the matter after four weeks.