

**(2014) 06 AP CK 0105**

**Andhra Pradesh High Court**

**Case No:** WP No. 15500 of 2014

Muzaffar Mohd. Khan Salman

APPELLANT

Vs

Kakatiya University

RESPONDENT

**Date of Decision:** June 6, 2014

**Citation:** (2015) 1 ALD 170 : (2015) 3 ALT 513

**Hon'ble Judges:** A. Rajasekhar Reddy, J

**Bench:** Single Bench

**Advocate:** Mirza Nisar Ahmed Baig, Counsel, Advocate for the Appellant; Deepak Bhattacharjee, Counsel, Advocate for the Respondent

### **Judgement**

@JUDGMENTTAG-ORDER

A. Rajasheker Reddy, J.

The writ petition is filed for mandamus declaring the Letter No. KITS/Acad/2014/99, dated 22.4.2014, issued by the respondents, debarring the petitioner from writing I year B.Tech Examinations, as illegal and arbitrary and consequently to set aside the same and for a direction to the respondents to permit the petitioner to appear for the University examination. The case of the petitioner is that he was admitted into 4th respondent College in the year 2012 in B.Tech (Mech.) course and he could not attend the classes for that year and again he was readmitted into the College vide proceedings dated 5.11.2013. Petitioner has been suffering from low blood platelets and various other health problems for the last two years and underwent treatment at SVR Multi Speciality Hospital. While so, respondents announced the dates of examination for the I year B.Tech and petitioner paid requisite fee and completed other formalities. But, the 4th respondent issued impugned letter dated 22.4.2014, debarring the petitioner from writing University examinations for want of requisite attendance. The case of the petitioner is that he is having good academic record from Matriculation onwards and only due to ill-health he could not secure requisite minimum percentage of attendance. It is also the case of the petitioner that he met respondent authorities and filed representation on 31.5.2014, stating the above

facts, but no orders are passed. Aggrieved by the same, present writ petition is filed.

2. Learned Counsel for the petitioner submits that since the petitioner is suffering from serious ailments, his case may be considered sympathetically and shortage of attendance may be condoned and he may be permitted to write examinations. He further submits that the authorities have not considered his request and rejected his request of condoning shortage of minimum percentage of attendance vide proceedings dated 31.5.2014.

3. Learned Standing Counsel for respondents 1 to 3 submits that as per regulations the candidate should secure 75% attendance and 10% of attendance is only condonable on medical grounds, not beyond that. In the present case the 4th respondent has passed impugned order rejecting the request of the petitioner for condoning the shortage of attendance, stating that petitioner cannot be permitted to write examinations for want of requisite attendance.

4. Learned Standing Counsel for respondents also relied on the judgment in B. Yugandhar Vs. Principal, Kuppam Engineering College and Another, wherein this Court held that no mandamus can be issued violating the mandate of academic regulations, on a plea of sympathy when a candidate does not fulfil the required minimum percentage of attendance.

5. In view of the above and relying on the judgment of Division Bench of this Court (supra), no relief can be granted.

6. Accordingly, the writ petition is dismissed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in the writ petition, shall stand closed.