

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**  
**AND**  
**THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

**WRIT APPEAL No.1188 OF 2023**

**JUDGMENT:** *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Baglekar Akash Kumar, learned counsel for the appellant.

Ms. R.N. Padmaja, learned Government Pleader for Higher Education for respondent No.1.

Mr. A.Venkata Ramana, learned Standing Counsel for respondent Nos.2 and 3-University.

2. This intra court appeal has been filed against the order dated 29.11.2023 passed by the learned Single Judge in W.P.No.27513 of 2023, by which the writ petition filed by the appellant has been dismissed.

3. Facts giving rise to filing of this writ appeal, briefly stated, are that the appellant was admitted to Bachelor of Veterinary Science (B.V.Sc.) and Animal Husbandry (A.H) course from the academic year 2022. It is the case of the appellant that since she

was suffering from rheumatoid arthritis, she could not attend the classes and her attendance was below 75%.

4. The Associate Dean, College of Veterinary Science, P.V.Narasimha Rao Telangana Veterinary University, issued the timetable for theory examinations which were to commence from 29.09.2023 and conclude on 19.10.2023. The appellant thereupon submitted a representation on 25.09.2023 i.e., five days before commencement of the examinations requesting the Associate Dean to condone the attendance which is below 75% and to permit her to appear in the examinations. The aforesaid representation failed to evoke any response. Thereupon, the appellant filed a writ petition i.e., W.P.No.27513 of 2023 on 03.10.2023 before this Court.

5. The learned Single Judge of this Court, by an interim order dated 03.10.2023 directed the Associate Dean to consider the representation of the appellant within 48 hours. Being aggrieved by the aforesaid order, the appellant filed this intra court appeal. A Bench of this Court, by an interim order dated 04.10.2023 in W.A.No.977 of 2023 permitted the appellant to write the remaining

examinations and it was made clear that her appearance in the examinations shall be subject to the outcome of the appeal.

6. The learned Single Judge thereafter by an order dated 29.11.2023 dismissed the writ petition *inter alia* on the ground that the Court cannot direct the Associate Dean to condone the requirement of minimum attendance of 75% contrary to the Academic Regulation of the University, namely 10.7 (a) and the doctrine of purposive interpretation cannot be provided. The appellant was granted liberty to avail of the remedy of appeal. In the aforesaid background, this intra court appeal arises for our consideration.

7. Learned counsel for the appellant submitted that the principle of purposive interpretation has to be adopted while reading Regulation 10.7 of the P.V.Narasimha Rao Telangana Veterinary University Undergraduate (BVSc & AH) Regulations, 2016 and Regulation 10.7(b) is unworkable. In support of the aforesaid submission, learned counsel has placed reliance on the

decision of the Supreme Court in *Shailesh Dhairyawan vs. Mohan Balakrishna Lulla*<sup>1</sup>.

8. On the other hand, learned Standing Counsel for respondent Nos.2 and 3-University submits that no interference with the order passed by the learned Single Judge is called for.

9. We have considered the rival submissions made by learned counsel for the parties and have perused the record.

10. Before proceeding further, it is apposite to take note of Regulation 10.7(a) & (b) of the aforesaid Regulations and same is extracted below for the facility of reference:

“(a) If a student admitted to the 1<sup>st</sup> year does not register the subjects of the year or having registered does not put in at least 75% of attendance in all the subjects of 1<sup>st</sup> year B.V.Sc. his/her admission shall stand cancelled.

(b) A student who wishes to seek relaxation of the above provision may apply to the Associate Dean giving the grounds and proof thereof due to which he/she could not fulfill the minimum attendance requirements. The readmission of such a student shall be considered by a committee consisting of the Associate Dean, a Senior

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<sup>1</sup>(2016) 3 SCC 619

Professor of the College nominated by the Associate Dean, The Advisor of student concerned and the University Medical Officer as Co-opted member wherever necessary. But a student has to put in a minimum of 60% attendance in the First Year."

11. Thus, from a perusal of the aforesaid Regulation in entirety, it is evident that in case any student fails to secure 75% attendance, the admission of such a candidate stands cancelled. Thus, the consequence of non-attendance is automatic cancellation of admission. However, Regulation 10.7(b) provides for relaxation with the rigor contained in Regulation 10.7(a), inasmuch as it enables the Committee to consider a candidate who is eligible for re-admission to such a course. However, Regulation 10.7(b) renders a candidate, who has secured less than 60% attendance in the first year, ineligible for re-admission.

12. At the outset, it is clarified that the validity of the aforesaid Regulation is not under challenge in the writ petition. The purpose and object of the aforesaid Regulation is to ensure that the student who takes admission in the course attends the course so that he/she can successfully appear in the examinations. Admittedly, the

appellant has not secured 75% attendance in the first year B.V.Sc., course. The appellant in the facts of the case has not approached this Court diligently. Ordinarily, the appellant would have been eligible for re-admission to the first year course. Admittedly, the academic session for the first year B.V.Sc., course has commenced from 05.10.2023 and 25% of the classes have already been completed. Therefore, in the facts of the case, no relief can be granted to the appellant.

13. In view of the preceding analysis, we do not find any merit in this writ appeal. The same fails and is hereby dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

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**ALOK ARADHE, CJ**

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**ANIL KUMAR JUKANTI, J**

Date: 21.02.2024  
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