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H.D. Praveen Kumar and Others Vs. Vice Chancellor, Visvesvaraya Technological University, Belagavi and Others

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Court : Karnataka

Decided On : Feb-23-2017

Judge : The Honourable Chief Justice Mr. Subhro Kamal Mukherjee &Amp; R.B. Budihal

Appeal No. : Writ Appeal Nos. 4408-4412 of 2016 (EDN-RES)

Appellant : H.D. Praveen Kumar and Others

Respondent : Vice Chancellor, Visvesvaraya Technological University, Belagavi and Others

Judgement :

(Prayer: These Writ Appeals are filed u/s 4 of the Karnataka High Court Act praying to set aside the Order passed by the Learned Single Judge made in WP 1822-28/16, but referring to WP 1828/16 and WP 3315-35/16, but referring to WP 3318/16, WP 3322/16, WP 3327/16, WP 3328/16 [Education] Dated 24/3/16, by allowing the Writ Appeals filed by the Appellants and to grant the relief as prayed by them in their Respective Writ Petitions, to secure the ends of Justice and Equity.)

1. We have perused the office objections.

2. After hearing Mr.S.R.Hegde Hudlamane, learned advocate appearing for the appellants, the office objections are overruled.

3. The application for condonation of delay is taken up for hearing. The delay is of 198 days.

4. Mr.Santosh S. Nagarale, learned advocate, appears for the Visvesvaraya Technological University.

5. After hearing Mr.S.R.Hegde Hudlamane, learned advocate appearing in support of the application for condonation of delay, Mr. Santosh S. Nagarale, learned advocate appearing for the Visvesvaraya Technological University and looking at the averments contained in the affidavit annexed to the application for condonation of delay, we are of the opinion that the appellants were prevented by sufficient cause from presenting the memoranda of writ appeals in time. The delay in filing the appeals is, therefore, condoned.

6. The application for condonation of delay stands allowed.

7. There will be no order as to costs.

8. By consent of the learned advocates appearing for the parties, the appeals are taken up for final disposal.

9. The writ petitions were filed for extension of time as the writ petitioners - students could not complete the courses within the period prescribed for completion of the courses.

10. The Hon'ble Single Judge, rightly, dismissed the writ petitions on the ground that the University passed a resolution deciding that the duration for completion of the courses could not be extended. Hence, these appeals are filed by the students.

11. When these matters are taken up for hearing, Mr.S.R.Hegde Hudlamane, learned advocate appearing in support of the appellants, draws our attention to the notification dated October 27, 2016, of the University concerned, annexed to the Interlocutory Application No.2 of 2016. The University, in principle, agreed to grant

further extension of time for completion of the courses.

12. The order impugned stands modified. Liberty is granted to the writ petitioners to complete the courses within the duration prescribed in the said notification dated October 27, 2016, upon payment of usual charges.

13. We are informed that some of the students had appeared in the examinations, during the pendency of the writ petitions, after obtaining leave from the Court.

14. In view of the notification dated October 27, 2016, the University is directed to publish their results upon payment of usual charge, if any.

15. The appeals are, thus, disposed of.

16. In view of the disposal of the appeals, the pending interlocutory applications are, also, disposed of.

17. There will be no order as to costs.

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