

A. Hemalatha Vs. Convenor (D.E.O.) District Selection Committee and ors.

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SooperKanoon Citation : sooperkanoon.com/439119

Court : Andhra Pradesh

Decided On : Nov-24-1995

Reported in : 1996(1)ALT566

Judge : B. Subhashan Reddy, J.

Acts : [Constitution of India](#) - Articles 14 and 226

Appeal No. : Writ Petition No. 14446 of 1994

Appellant : A. Hemalatha

Respondent : Convenor (D.E.O.) District Selection Committee and ors.

Advocate for Def. : Govt. Pleader for Education for Respondent Nos. 1, 2 and 4 and ;T.S. Harnath, Adv. for Respondent No. 3

Advocate for Pet/Ap. : S.R. Sanku and N. Gurugopal, Advs.

Judgement :

ORDER

B. Subhashan Reddy, J.

1. This Writ Petition is filed by a student of B.A. for issue of B.Ed., Certificate. It is not in dispute that the petitioner appeared for B.Ed. Examination. It is stated in the counter filed on behalf of the third respondent that the results of the petitioner were

not declared on the ground of shortage of attendance. But it is surprising as to why and how the petitioner was allowed to sit for the examination when there was deficiency in attendance. It is normal practice that whenever there is deficiency in attendance, even hall tickets are not issued. But having issued the hall ticket and permitted the petitioner to write the examination, it is too late a day to withhold the results on the ground of deficiency in attendance. Further, the shortage in attendance is only four days. It is averred in the writ petition specifying the names of the candidates similarly situated as the petitioner that the third respondent had condoned the shortage in attendance in their cases. That apart, when the petitioner had submitted an application for condonation to the fourth respondent, which is not controverted by R-4, the petitioner cannot be blamed on the ground that R-4 did not send the proposal to the third respondent. For the reason that there is a default on the part of the third respondent, the petitioner cannot suffer. In view of the fact that the application made by the petitioner for condonation of shortage of attendance is not received by the University and as there is a further likelihood of this Judgment being taken as a precedent, the formality of application being made cannot be dispensed with.

2. To strike a balance and also in the interest of speedy justice because it concerns the educational and further employment career of the petitioner, I direct the petitioner to make an application in the prescribed format directly to the third respondent along with the requisite fee and on receipt of the said application by the third respondent, it shall be deemed that the deficiency in attendance is condoned and then there shall be an obligation on the part of the third respondent to declare the result of the examinations written by the petitioner within 7 days from the date of receipt of the said application. If the petitioner is declared as passed, it is needless to mention that the third respondent will issue Marks Memorandum and also certificate therefor.

3. The writ petition is accordingly disposed of. No costs.