IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY, THE SIXTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH AND

THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN

WRIT APPEAL NO: 843 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the Order dated 29/07/2025 in W.P.No.16472 of 2025. on the file of the High Court.

Between:

1. Geethanjali College of Engineering and Technology, (Autonomous), Sy.No 33 and 34 Cheeryal Village, Keesara Mandal, Medchal Malkajgiri District Telanagna - 501 301 Represented by its Principal/Director.
2. The controller of Examinations, Geethanjai College of Engineering and Technology (Autonomous) Sy.No.33 and 34 Cheeryal Village, Keesara Mandal, Medchal Malkajgiri District Telanagna - 501 301.
3. The Head of Department (HoD), Department of Computer Science and Engineering, Geethanjali College of Engineering and Technology (Autonomous), Sy.No 33 and 34 Cheeryal Village, Keesara Mandal, Medchal Malkajgiri District Telanagna - 501 301.

.....APPELLANTS/RESPONDENT Nos.3 to 5

AND

1. S. Kondaparthi Manvitha, D/o Kondaparthi Srinivasa, Aged about 20 years, B.Tech (CSE) - III Year Student Roll No 22E11A05CO, Geethanjali College of Engineering and Technology (Autonomous), Survery No 33 And 34, Cheeryal Village, Keesara Mandal, Medchal Malkajgiri District, Telangana - 501 301. R/o H.No 12-10-590/129/5 Flat No 1A, First Floor, Sridevi Apartments, Warasiguda, Secunderabad - 500 061.

....RESPONDENT No.1/WRIT PETITIONER

2. The State of Telangana, Rep. by its Principal Secretary, Department of Technical Education, Secretariat Building Hyderabad - Telangana.
3. The Jawaharlal Nehru Technical University (JNTU), (Autonomous) Kukatpally Housing Board Colony Kukatpally, Hyderabad - 500 085 Represented by its Vice Chancellor.

.....RESPONDENT Nos.2 & 3 / RESPONDENTS 1 & 2

I.A.NO:1 OF 2025

Petition Under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the orders in W.P. No. 16472 of 2025, dated 29-07-2025, pending disposal of the writ appeal.

Counsel for Appellants : SRI R.SUSHANTH REDDY

Counsel for Respondent No.1 : SRI T.SRIKANTH REDDY

Counsel for Respondent No.2 : SRI M.VAMSHI KIRAN YADAV, AGP FOR HIGHER EDUCATION

Counsel for the Respondent No.3 : SRI PERI PRABHAKAR, LEARNED STANDING COUNSEL FOR THE JAWAHARLAL NEHRU TECHNOLOGICAL UNIVERSITY

The Court made the following JUDGMENT : -

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.843 of 2025

JUDGMENT:

Heard Sri R.Sushanth Reddy, learned counsel for the appellants. Also heard Sri T.Srikanth Reddy, learned counsel for respondent No.1; Sri M.Vamshi Kiran Yadav, learned Assistant Government Pleader for Higher Education Department, appearing for respondent No.2; and Sri Peri Prabhakar, learned Standing Counsel for the Jawaharlal Nehru Technological University, appearing for respondent No.3.

2. This writ appeal is directed against the order dated 29.07.2025 passed in W.P.No.16472 of 2025, whereby the learned writ court has allowed the writ petition filed by respondent No.1 herein (hereinafter referred to as, "the writ petitioner").

3. The writ petitioner is a student of Bachelor of Technology in Computer Science and Engineering (B.Tech (CSE)) III Year in the appellants' college (who are respondent Nos.3 to 5 in the writ petition). She could not secure the minimum 65% attendance in the II Semester of B.Tech III Year, as she had to undergo surgery of "Right Uniportal Vats Bullectomy and Mechanical Pleurodesis" on 10.02.2025 and was advised rest for a period of three weeks. She was again admitted in Yashoda Hospital on 13.03.2025 due to failure of the earlier surgery and a procedure of "Post Malecot Insertion, ICD Insertion, Talc Pleurodesis" was performed successfully. She was discharged on 26.03.2025 and advised rest for a period of six weeks for the inside wounds to heal. She resumed attending the classes from 10.04.2025 and submitted the leave application to appellant No.1. The writ petitioner was also amongst the five other students who were detained in the academic year for shortage of attendance. She was having 49.33% of attendance instead of 65% to 75% as per the regulations of the JNTUH University College of Engineering, Science and Technology, Hyderabad

(Autonomous) (hereinafter referred to as, "the University"). On being detained from appearing in B.Tech (CSE) III Year II Semester examination, she filed the writ petition seeking a direction to the appellants to permit her to appear for B.Tech (CSE) III Year II Semester examinations and also to complete the B.Tech (CSE) course without detaining her on the ground of shortage of attendance. By an interim order dated 16.06.2025, the learned writ court permitted her to attend the B.Tech (CSE) III Year II Semester Lab Examinations as well as to appear for the Semester examinations. However, in the B.Tech IV Year I Semester, she was not allowed to attend the classes. In this background, the learned writ court, by the impugned judgment, held as under:

> "21. There is no dispute with regard to ill-health of the petitioner during the B.Tech-III Year, II Semester. The petitioner is not having any backlogs or shortage of attendance during the previous Semesters and the problem arose only when the petitioner fell sick during the III Year, II Semester. Admittedly, there is no detention even if a student fails to secure minimum marks in the examinations. If a student attended classes, but failed in some or all subjects, he/she can be automatically promoted to the next semester. It clearly shows that the

regulations of the respondent authorities are only taken into account of percentage of attendance and not with regard to qualifying marks for promoting to next semester. If the respondents wants to quality of education, they have to consider not only attendance of the students but also merit. In the instant case there is no dispute that the petitioner has no backlogs for previous examinations.

22. In view of the circumstances, the respondents authorities' have to consider the case of the petitioner on merit, medical and humanitarian grounds and permit the petitioner to complete B.Tech Course. In the light of the above discussion, the writ petition deserves to be allowed.

23. In view of the above findings, the writ petition is allowed and the Impugned Circular dated 12.06.2025 issued by the respondent No.5 is set aside in so far as the petitioner is concerned and the respondent authorities are directed to publish B.Tech-III, II-Semester examinations results of the petitioner and also permit the petitioner to complete the Course of B.Tech, Computer Science and Engineering (CSE) without any interruption."

Being aggrieved, the appellants are in appeal.

4. The relevant regulations of the University are quoted as under:

"**6.0 Attendance requirements:**

6.1 A student is eligible to appear for the Semester End Examinations if the student acquires a minimum of 75% of attendance in aggregate of all the

subjects/courses (including mandatory or non-credit courses) in that semester. Two periods of attendance for each theory subject shall be given, if the student appears in the mid-term examination.

6.2 Shortage of attendance up to 10% (65% and above, and below 75%) can be condoned in each semester by the College Academic Committee on genuine and valid grounds (considering the days of attendance in sports, games, NCC and NSS activities and days of absence due to medical reasons) based on the student's representation with supporting evidence.

6.3 A stipulated fee is levied on students whose shortage of attendance is condoned.

6.4 Shortage of attendance below 65% in aggregate shall in no case be condoned.

6.5 Students whose shortage of attendance is not condoned in a semester are not eligible to appear for Semester End Examinations of the semester; they shall be detained and their registration for that semester shall stand cancelled. They will not be promoted to the next semester. Furthermore, marks earned in CIE of the subjects in detained semester become void, and henceforth the subjects are not graded, and SGPA and CGPA are not calculated. They may seek re-registration for all the subjects registered in that semester in which the student got detained, by seeking readmission for the semester as and when offered; in case if there are any Professional Electives and/or Open Electives, the

same may also be re-registered if offered, however, if those electives are not offered in later semesters, then alternative electives may be chosen from the same set of elective subjects offered under that category.

6.6. However, a student fulfilling the attendance requirement in a semester is not eligible for readmission into the same.

6.7 When a student is detained due to shortage of attendance in any semester, he may be readmitted into that semester, as and when offered, with the academic regulations of the batch into which he gets readmitted to."

5. These regulations framed by the University are known as Academic Regulations (R22) for B.Tech (Regular) Programme. A mere perusal of the regulation on attendance requirement would show that shortage of attendance up to 10% i.e., 65% and above and below 75%, can be condoned in each semester by the College Academic Committee on genuine and valid grounds (considering the days of attendance in sports, games, NCC and NSS activities and days of absence due to medical reasons) based on the student's representation with supporting evidence. A fee has to be levied on students whose

shortage of attendance is condoned. As per regulation 6.4, shortage of attendance below 65% in aggregate shall in no case be condoned. The learned writ court was, however, persuaded by the fact that the writ petitioner did not have any backlogs or shortage of attendance during the previous Semesters. It observed that there is no detention even if a student fails to secure minimum marks in the examinations. If a student attended classes, but failed in some or all subjects, he/she can be automatically promoted to the next Semester. The learned writ court was, therefore, of the view that the regulations only take into account the percentage of attendance and not the qualifying marks for promoting to next Semester. If the appellants want the quality in education, they have to consider not only attendance of the students but also merit. The learned writ court, therefore, opined that the appellants should consider the case of the writ petitioner on merit, medical and humanitarian grounds and permit her to complete the B.Tech (CSE) Course. The writ petition was accordingly allowed and the circular dated 12.06.2025

by which the writ petitioner was detained from appearing in the examination was set aside.

6. Learned counsel for the appellants and the University both submit that the University regulations do not permit any such exception in such circumstances. The learned writ court, therefore, fell in error in carving out an exception when the rule or regulation does not itself provide therefor.

7. Learned counsel for the appellants has also submitted that the decision of the learned Single Judge of the High Court of Andhra Pradesh relied upon by the learned writ court in the case of **B.V.K.Koushik v. State of Andhra Pradesh**[1] has been set aside by the Division Bench of the High Court of Andhra Pradesh in W.A.Nos.697 and 698 of 2025 vide judgment dated 30.06.2025, which, however, could not be brought to the notice of the learned writ court. Learned counsel for the appellants also sought to distinguish the decisions relied upon by the learned writ court in the case of **Tripurari Kumar Jha v. Faculty of**

[1] 2025 SCC OnLine AP 2460

Law, University of Delhi[2] and in the case of **Bamang Nabam v. North Eastern Hill University**[3]. The learned writ court has sought to erroneously distinguish the judgments rendered in the case of **K.Pradeep v. Jawaharlal Nehru Technological University, Hyderabad**[4] and **G.Sumanth Reddy v. Jawaharlal Nehru Technological University** (W.P.No.16658 of 2023 of the High Court for the State of Telangana dated 03.07.2023). It is submitted that if the judgment of the learned writ court is not set aside, it would send a wrong signal to the large number of students who are the students of the University and the College in question. As per the applicable regulation, such a student has to attend the classes for the Semester with the junior batch. In the case of the writ petitioner, she shall be readmitted in the II Semester of the III Year B.Tech (CSE) course of the junior batch starting from January, 2026. Learned counsel for the appellants submitted that since the regulations do not permit any exception on any such grounds, including

[2] 2024 SCC OnLine Del 4220
[3] 2025 SCC OnLine Megh 399
[4] 2002 SCC OnLine AP 396

medical or humanitarian grounds, the learned writ court fell in error in carving out an exception to allow the writ petitioner to undertake the examination and continue with B.Tech (CSE) IV Year I Semester course. Therefore, the impugned judgment may be set aside.

8. Learned counsel for the writ petitioner has supported the impugned judgment. He has relied upon the decision of the High Court of Delhi in **Tripurari Kumar Jha** (supra) and the decision of the High Court of Meghalaya in **Bamang Nabam** (supra). He has also drawn the attention of the Court to the exceptional medical emergency that the writ petitioner had to suffer. He submitted that the writ petitioner had to undergo surgery repeatedly to cure the disease with which she was suffering. It is further submitted that the writ petitioner has successfully qualified all previous Semester examinations without any shortfall of attendance. If the writ petitioner is not allowed to continue with the regular course of B.Tech (CSE) IV Year, she would lose one year of

her career. Therefore, the impugned judgment may not be interfered with.

9. We have given anxious consideration to the submissions of the learned counsel for the parties. We have also taken note of the applicable regulations of the University and the decisions relied upon by the learned counsel for the rival parties.

10. We may, at the outset, observe that the regulations have been framed by the University under the University Statute for conduct of B.Tech (Regular) Programme. The course itself is of a technical nature. The University regulations do not permit any exception in case of shortage of attendance below 65% on any grounds whatsoever. In such cases, the Court exercising judicial review has its own limitations. Unless the law or the regulation governing the case of the parties permits any exceptions, it is not open for the writ court in judicial review to rewrite the regulations carving out exceptions of any such nature. Regulation 6.4 of the regulations framed by the University in very clear terms prescribes that shortage of attendance

below 65% in aggregate shall in no case be condoned. Learned counsel for the writ petitioner has relied upon the decision in the case of **Bamang Nabam** (supra) rendered by the High Court of Meghalaya. Upon perusal of the judgment rendered by the Division Bench of the High Court of Meghalaya in the said case, we find that Rule 12 of the Rules of Legal Education, 2008, which was in question, also did not permit any exceptional reason to condone the shortage of attendance below 65%. The learned Division Bench, however, was of the view that the above Rule does cover only normal circumstances, but does not account for extraordinary circumstances like illness or bereavement in a student's family, natural disaster, riot strife, political upheavals, other acts of God etc. However, we are of the view, if the rules or regulations like in the present case do not contemplate any exceptions to condone the shortage of 65% of attendance, it is not open for the writ court, in exercise of powers of judicial review, to create an exception by rewriting the regulation. As observed hereinabove, the instant course is a technical course after passing of which the students become engineering graduates. It involves lab

experience and also theoretical classes which, in the wisdom of the University, require minimum attendance of at least 65% and not below that. The case of **Tripurari Kumar Jha** (supra) also is distinguishable on the same grounds. In the said case, the High Court of Delhi was of the view that the short-attendance issue can be dealt with by having students connected to classrooms via video-conferencing mode or having the lectures uploaded on Youtube. Law course is not a technical course where lab experience is required. However, in the instant case, since the regulations framed by the University do not permit for fulfilling the shortfall by attending the classes through video-conferencing mode or having the lectures uploaded on Youtube, the question of applying such use of technology to fulfil the shortfall *de hors* the rules would not arise.

11. In such circumstances and for the reasons recorded hereinabove, we are of the view that the learned writ court fell in error in interfering in the matter and allowing the writ petitioner to continue with the regular course of

B.Tech (CSE) IV Year I Semester treating her to be a successful candidate in the examinations of the II Semester of B.Tech (CSE) III Year course which she could appear only because of the interim order passed by the learned writ court. The regulations framed by the University permit such a student to join the next batch of the B.Tech course in the same Semester i.e., II Semester of B.Tech (CSE) III Year, which would, in the case of the writ petitioner, commence from January 2026.

12. Learned counsel for the appellants submits that the writ petitioner, if she is interested, shall also be readmitted to the II Semester of the III Year B.Tech (CSE) course with the junior batch commencing from January 2026.

13. Therefore, it appears to us that the applicable regulations and the stand of the appellants and the University take care of the situation in which the writ petitioner has fallen because of unfortunate medical reasons. She may, of course, lose a year, but she will, in our earnest hope, definitely come out with flying colours in the succeeding batch of B.Tech (CSE) course.

14. With the above observations, the instant writ appeal is allowed. However, there shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Department of Technical Education, Secretariat Building State of Telangana at Hyderabad - Telangana.
2. The Vice Chancellor, Jawaharlal Nehru Technical University (JNTU), (Autonomous) Kukatpally Housing Board Colony Kukatpally, Hyderabad - 500 085.
3. Two CC's to G.P FOR HIGHER EDUCATION, High Court for the State of Telangana at Hyderabad. (OUT)
4. One CC to SRI. R SUSHANTH REDDY, Advocate [OPUC]
5. One CC to SRI PERI PRABHAKAR, LEARNED STANDING COUNSEL FOR THE JAWAHARLAL NEHRU TECHNOLOGICAL UNIVERSITY, Advocate (OPUC)
6. One CC to SRI T.SRIKANTH REDDY, Advocate [OPUC]
7. Two CD Copies

SA
BS

HIGH COURT

DATED:06/08/2025



JUDGMENT

WA.No.843 of 2025

ALLOWING THE W.A

WITHOUT COSTS.

10 MT
12/8/25