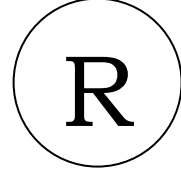


IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF OCTOBER 2017

PRESENT

**THE HON'BLE MR.H.G.RAMESH
ACTING CHIEF JUSTICE**



AND

THE HON'BLE MR. JUSTICE P.S.DINESH KUMAR

WRIT APPEAL NOs.5587-5592/2017 (EDN-EX)

BETWEEN :

1. MELVIN FRANCIS
AGED ABOUT 19 YEARS
SON OF MR. FRANCIS XAVIER
NO.1, 4TH BLOCK, POLICE QUARTERS
RESILDAR STREET, SESHADRIPURAM
BENGALURU – 560 020
2. HARSHIT B.L
AGED ABOUT 18 YEARS
SON OF LATE MANJUNATH
NO.152, DATTATRAYA TEMPLE ROAD
MALLESHWARAM PIPELINE
BENGALURU – 560 051
3. T.GAUTHAM
AGED ABOUT 17 YEARS
REPRESENTED BY HIS FATHER
AND NATURAL GUARDIAN MR. THIMMAIAH
NO.15/1, 1ST CROSS
BASAPPA GARDEN
BENGALURU – 560 003
4. S.KARTHIK
AGED ABOUT 17 YEARS
REPRESENTED BY HIS MOTHER
AND NATURAL GUARDIAN MRS. USHA

NO.6, MAHALASYA NILAYA
GANDHIGRAMA
BENGALURU – 560 021

5. PAVAN KUMAR
AGED ABOUT 18 YEARS
SON OF MR. PARAMESHWAR
NO.4, 2ND MAIN, 5TH CROSS
MARUTHI EXTENSION
VYALIKAVAl, BENGALURU – 560 003

6. SUHAS G.U.
AGED ABOUT 18 YEARS
SON OF MR. UMASHANKER
NO.J-42, 2ND FLOOR, 3RD CROSS
GAYATHRI NAGAR
RAJAJINAGAR
BENGALURU – 560 010

...APPELLANTS

(BY SRI K.G.RAGHAVAN, SENIOR COUNSEL FOR
M/S. A.K.LAW CHAMBERS, ADVOCATES)

AND :

1. THE STATE OF KARNATAKA
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF EDUCATION
M.S.BUILDING, BENGALURU – 560 001
2. THE PRINCIPAL
SESHADRIPURAM PRE-UNIVERSITY COLLEGE
NO.27, NAGAPPA STREET
SESHADRIPURAM
BENGALURU – 560 020
3. THE DIRECTOR
PRE-UNIVERSITY BOARD
18TH CROSS, MALLESHWARAM
BENGALURU – 560 003
4. NAVANEETH B.V.
AGED ABOUT 17 YEARS
REPRESENTED BY HIS FATHER
AND NATURAL GUARDIAN MR. BALAKRISHNA
NO.15, 74/2, 2ND MAIN
6TH CROSS, MES ROAD

BAHUBALI NAGAR, JALAHALLI
BENGALURU – 560 013

5. ABHISHEK.N
AGED ABOUT 17 YEARS
REPRESENTED BY HIS MOTHER
AND NATURAL GUARDIAN
MRS. MANGALA GOWRI
NO.23/1, 14TH MAIN
J.C.NAGAR, KURUBARAHALLI
BENGALURU – 560 086
 6. BHARATH.R
AGED ABOUT 18 YEARS
SON OF MR. L.RAJU
NO.98, 10TH MAIN
NEAR PUSHPANJALI THEATRE
MANJUNATHANAGAR
BENGALURU – 560 010
 7. ANUJ KUMAR S
SON OF LATE SEETHARAM SAHANI
AGED ABOUT 17 YEARS
REPRESENTED BY HIS UNCLE AND GUARDIAN
MR. LAKSHMAN SAHANI
SON OF GULTAN SAHANI
AGED ABOUT 38 YEARS
NO.63, B/5, YESHWANTHPUR
INDUSTRIAL AREA
BENGALURU – 560 022
- ...RESPONDENTS

(BY SRI V.SREENIDHI, AGA FOR R1 & R3;
SMT. SANDHYA.D, ADVOCATE FOR R2;
NOTICE TO R4 TO R7 DISPENSED WITH
V/C/O DATED 20.09.2017)

THESE WRIT APPEALS ARE FILED UNDER SECTION 4 OF
THE KARNATAKA HIGH COURT ACT, 1961 PRAYING TO SET
ASIDE THE ORDER DATED 10.08.2017 PASSED BY A LEARNED
SINGLE JUDGE OF THIS COURT IN WRIT PETITION
NOS.22655-22664/2017.

THESE WRIT APPEALS COMING ON FOR PRELIMINARY
HEARING, THIS DAY, **THE ACTING CHIEF JUSTICE,**
DELIVERED THE FOLLOWING:

JUDGMENT

Ag.CJ (Oral):

1. These *intra Court* appeals by the students are directed against the order dated 10.08.2017 passed by a learned Single Judge of this Court in W.P.Nos.22655-22664/2017. By the said order, the learned Single Judge has declined to permit the appellants to take the II PUC examination for want of the required attendance.

2. We have heard Sri K.G.Raghavan, learned Senior Counsel appearing for AK Law Chambers for the appellants, learned Counsel appearing for the respondents and perused the record.

3. The learned Senior Counsel submitted that the impugned order is contrary to a decision of this Court in *Prajwal Kumar Patil vs. Rajiv Gandhi University of Health Sciences & Ors.* [ILR 2016 KAR 240] which is also rendered by the learned Single Judge.

4. To examine as to whether the appellants were eligible to appear for the examination in the absence of the requisite attendance, it is relevant to refer to Rule 12 of *the*

Karnataka Pre-University Education (Academic, Registration, Administration and Grant-in-Aid etc.) Rules, 2006 ('the Rules' for short) which reads as follows:

"12. Minimum days of attendance.—(1) A student shall have attendance of 75 per cent of the total number of periods in each subject during the academic year to become eligible to appear for the annual examination.

(2) The Director shall notify the minimum number of hours of periods of teaching in respect of each subject and also the minimum number of hours of experiments to be conducted by the student in each science subject. A student who fails to put in the minimum period of study and attendance in the class and also a science student who fails to conduct the minimum hours of experiments in the laboratories successfully, shall not be eligible to appear for the annual examination."

5. As could be seen from Rule 12 extracted above, to become eligible to appear for the annual examination, a minimum attendance of 75 per cent of the total number of periods in each subject during the academic year is required. The Rule does not provide for any relaxation of the minimum attendance to any extent under any circumstance. Therefore, compliance of Rule 12 is mandatory. In other words, unless a student has the minimum attendance as required under Rule 12 of the Rules during the academic year, he shall not be eligible to appear for the annual examination.

6. Sri K.G.Raghavan, learned Senior Counsel fairly submitted that the attendance put in by the appellants is between 26% and 58%. Therefore, admittedly, the appellants had not put in the minimum attendance as required under Rule 12 of the Rules, and hence, were ineligible to appear for the examination. The decision referred to by the learned Senior Counsel has no application to this case as it was not rendered in the context of Rule 12 extracted above. In view of the above, we find no ground to interfere with the order of the learned Single Judge.

Appeals dismissed.

**Sd/-
ACTING CHIEF JUSTICE**

**Sd/-
JUDGE**

LB