

## **In Residence**

**Case :-** WRIT - C No. - 39823 of 2023

**Petitioner :-** Sanya Yadav

**Respondent :-** State Of Uttar Pradesh And 2 Others

**Counsel for Petitioner :-** Avneesh Tripathi

**Counsel for Respondent :-** C.S.C.

## **Hon'ble Pritinker Diwaker, Chief Justice**

On an urgent mention being made before the Registry for taking up the matter today itself and considering the urgency in the matter, the same is taken up and heard at residence at 3:30 pm.

Sri Avaneesh Tripathi along with Sri Prashant Kumar, learned counsel for the petitioner, Ms. Meenakshi Singh along with Sri Ankit Gaur, learned Standing Counsel for the State-respondent and Sri Rahul Chaudhary, learned counsel for respondent nos. 2 and 3.

Issue notice to respondents.

As all the respondents are duly represented, petitioner is not required to take any steps.

The grievance of the petitioner is that though she had attended all the classes of Marketing Management in MBA (Media Management) course but due to technical flaw in the portal, her attendance has been shown inadequate.

Learned counsel for the petitioner submits that on account of some technical flaw, portal has incorrectly shown the attendance of the petitioner as inadequate, otherwise she had attended all the classes and her attendance was 100 percent. It has been argued that on 16.11.2023, i.e. tomorrow, the paper of supplementary examination for the subject Marketing Management will start at 2:00 pm and all the formalities are required to be completed before it. He submits that if the petitioner is not permitted to appear in the examination, she will lose her six valuable months. It has been urged that the petitioner may be allowed to appear in the supplementary

examination to be held on 16.11.2023 for the subject Marketing Management in MBA (Media Management) course, subject to the result of the present writ petition and if the petitioner fails, she undertakes to pay heavy cost to the University.

State counsel submits that the State has no active role to play and the dispute is between the petitioner and the University.

Counsel appearing for the University submits that as the office is closed today, he could not receive full instructions. However, a limited instruction which has been passed on to him is to the effect that admission card cannot be issued in such a belated stage.

I have heard learned counsel for the parties and perused the record. Considering the facts and circumstances of the case, in particular, the fact that the matter relates to a student, where each examination is important, it is directed that the petitioner be permitted to appear in the supplementary examination to be held on 16.11.2023 for the subject Marketing Management in MBA (Media Management) course. However, her result may not be declared without prior permission of the Court and in the eventuality of statement of the petitioner being found incorrect, she may be subjected to pay heavy cost to the University.

List this case on 14.12.2023 as fresh before the appropriate Bench.

**Order Date :-** 15.11.2023

RK

(Pritinker Diwaker, CJ)