

University of Mumbai



Circular :-

1. IN THE HIGH COURT OF JUDICATURE AT BOMBAY (O.O.C.J.)
Writ Petition No. 1208 of 2017 order dated 8th February, 2017
2. Circular No. UG/01 of 2014 dated 5th May, 2014.

Attention is invited to the Ordinance O.6086 relating to the attendance for learners issued vide referred circular of the University and subsequent order passed by the Hon'ble High Court Bombay dated 8th February, 2018 in referred Writ Petition and all the Directors / Heads of the University Departments / Institutions, Principals/Directors of affiliated Colleges/recognized Institutions, Directors/Coordinators of University Sub Centre's at Thane and Ratnagiri are hereby informed as per the said order of the Hon'ble High Court to bring the Judgment for Kind perusal amongst member of Attendance Redressal Committee with a request to note the contents thereof and follow the same in the matters that would come up before them in future till further order.

Para No. 17 of the said judgment is reproduced below for your kind perusal.

17. "Upon applying first principles, we have already come to a considered conclusion that, as a rule there has to be an average attendance of 75 % and minimum 50 % in each of the subjects. The same can be condoned by the Principals of the colleges on the recommendation of the Attendance Committee on Verifying genuineness of the grounds which are also mentioned in the said ordinance. In so far as the contention of Mr. R.A. Rodrigues that the Respondent No. 2 being an Appellate Authority is a supreme authority and therefore its powers are higher than ordinary authority is concerned, in our considered view the said contention is also liable to be rejected. It is settled principle of law that appeal is creator of statute. The Appellate Authority would have the powers given to it under the statutory provisions. The Perusal of the ordinance would not reveal that the Appellate Authority has been bestowed with a Power to condone further absence which would go below 50 % of an average. The power of the Appellate Authority would only be restricted to find out as to whether the original authority while exercising its power under clause (4) has acted within the parameters of clause (4) or not. It cannot go beyond the provisions of clause. (4) In any case,. While

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dealing with the provisions which the academic matters/ one should take into consideration as to what would be in the academic interest. The ordinance are made to ensure that the academic standards of the students rise and not with the object of deteriorating the academic standards”.

Mumbai – 400 032
26th March, 2018


I/C Off Director,
Board of Examination & Evaluation

To,

Directors/Heads of the University Departments/ Institutions,
Principals/Directors of affiliated Colleges/recognized Institutions, Directors/
Coordinators of University Sub Centre's at Thane and Ratnagiri

(A) Copy forwarded with compliments for information to

1. Hon'ble members of Attendance Grievances Redressal committee in the faculties of Science & Technology, Commerce & Management, Humanities, and Interdisciplinary studies.
2. Deans of all faculties
3. Chairman / Chairpersons of various Board of Studies and Ad-hoc Boards of Studies.

(B) Copy forwarded for information and necessary action.

1. The Registrar, University of Mumbai
The Directors, C.C.F. Examination Section.
3. All Deputy Registrars, Examination Section.
4. The Deputy Registrar, UG/PG.
5. The Deputy Registrar, RTI & Grievance Cell.
6. The Deputy Registrar, (Public Relations) Fort
7. The Public Relations Officer, Examination Section.
8. All Assistant Registrars of Result Units, Examination Section.