

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

WP(C).No. 1298 of 2007 (D)

PETITIONER :

**DR. MAGNA THOMAS,
KONUPARAMBIL, 1/202, DON BOSCO ROAD,
IRINJALAKUDA, THRISSUR DISTRICT.**

BY ADV. SRI.P.V.MOHANAN

RESPONDENT(S):

- 1. AGRICULTURAL SCIENTIST,
RECRUITMENT BOARD, REP. BY ITS CHAIRMAN,
INDIAN COUNCIL OF AGRICULTURAL RESEARCH,
KRISHI ANUSANDHAN BHAVAN-1, PUSA, NEW DELHI-110 012.**
- 2. THE CONTROLLER OF EXAMINATIONS,
AGRICULTURAL SCIENTIST' RECRUITMENT BOARD,
INDIAN COUNCIL OF AGRICULTURAL RESEARCH,
KRISHI ANUSANDHAN BHAVAN-1, PUSA, NEW DELHI-110 012.**
- 3. KERALA AGRICULTURAL UNIVERSITY,
REP. BY ITS REGISTRAR, MAIN CAMPUS, KAU POST,
THRISSUR-680 656.**

**R1 & R2 BY ADV. SRI.P.JACOB VARGHESE, SC, ICAR
SRI.A.D.RAVENDRA PRASAD, CGC
SRI.JOHN VARGHESE, ASSISTANT SG**

**R3 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC,AGRL.UNTY
SRI.N.D.PREMACHANDRAN,SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE COMMUNICATION NO.ACAD(2)263/2003 ISSUED BY THE DEAN OF THE 3RD RESPONDENT TO THE REGISTRAR DATED 15/11/2003
- P2 COPY OF THE M.V.SC CERTIFICATE ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER DATED FEBRUARY, 2003
- P3 COPY OF THE REPRESENTATION SUBMITTED BY THE LONAPPAN NAMBADAN MP ON BEHALF OF THE PETITIONER TO THE CABINET MINISTER FOR AGRICULTURE DATED 5/12/2005
- P4 COPY OF THE COMMUNICATION ISSUED BY THE 1ST RESPONDENT NO.DO 300337(27)/2003-EXAM-II, DATED 9/1/2006
- P5 COPY OF THE COMMUNICATION NO.ACAD/C2-40705/05 DATED 3/12/2005 ISSUED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.
- P6 COPY OF THE COMMUNICATION NO.ACAD/C2-42775/2006 DATED 15/12/2006 ISSUED BY THE 3RD RESPONDENT TO THE 1ST RESPONDENT.
- P7 COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DATED 14/10/2006
- P8 COPY OF THE COMMUNICATION NO.300337(27)2003 EXAM II DATED 8/12/2006 ISSUED BY THE 1ST RESPONDENT.
- (I.A.NO.16132/2007) P8 COPY OF THE KERALA AGRICULTURAL UNIVERSITY POST GRADUATE REGULATION.
- P9 COPY OF THE NOTIFICATION NO.GA/K1/10554/2006 DATED 8/11/2006
- P10 COPY OF THE PROCEEDINGS NO.GK/KI/10554/2006 DATED 13/12/07

RESPONDENT'S EXHIBITS:

- R1(A) COPY OF THE NOTIFICATION NO.1-2/2002-EX-II DATED 9/10/2003.

/TRUE COPY/

PA.TO JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.1298 of 2007

Dated this the 12th day of March, 2015

JUDGMENT

The petitioner appeared for National Eligibility Test (NET) examination conducted by the Indian Council of Agricultural Research (ICAR). The prescribed qualification for appearing the examination was Master's Degree. However, the petitioner did not possess Master's Degree at the time of application. However, as per notification, candidates appearing for Master's examination will be eligible for applying examination scheduled on May, 2004, provided proof of having passed examination has to be submitted before 1.2.2004. The application was invited on 9.10.2003.

2. The petitioner responded to the notification and applied for examination. At the relevant point of time, the

petitioner was pursuing Master's Veterinary Science Course. The petitioner appeared for the Masters Degree examination on 6.11.2003. The results of the examination was published only on 23.2.2004. Though the petitioner successfully passed the examination, due to the fact that the petitioner did not produce proof of Master's examination, the petitioner's certificate has not been released. Accordingly, the petitioner has approached this Court.

3. There cannot be any relaxation of rigor of any provisions of notification for the purpose of considering the eligibility of a candidate. However, there are certain exception to this principle, when such relaxation would not affect competing interest or right of others. So long as it will not affect third parties right or would not amount to offending any of the Rules and Regulations, such relaxation can be given in the interest of justice.

4. It is to be noted that the petitioner taken part in the examination as early as on 15.11.2003. It is due to the delay on the part of the University in conducting and publishing the results, the petitioner has been denied the fruits of the examination which she has taken part.

In the peculiar facts and circumstances, I am of the view, it warrants discretionary indulgence in larger public interest to release the certificate of NET examination to the petitioner. No doubt, this cannot be treated as precedent. This need to be treated only as an exception in order to meet ends of justice. There shall be a direction to the respondents to release the certificate to the petitioner within a period of one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above. No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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