

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 11TH DAY OF JUNE 2015/21ST JYAISHTA, 1937

W.A.No. 822 of 2008 (C) IN W.P.(C).12290/2006

AGAINST THE JUDGMENT IN WP(C) 12290/2006 of HIGH COURT OF KERALA DATED 15-02-2007

APPELLANTS/RESPONDENTS 1 TO 3:

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1. UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR, UNIVERSITY OF KERALA
THIRUVANANTHAPURAM
 2. THE VICE CHANCELLOR
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM
 3. THE CONTROLLER OF EXAMINATIONS
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM

BY ADVS.SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.
SRI.GEORGE POONTHOTTAM,SC,KERALA UTY.
SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA

RESPONDENTS/PETITIONER & 4TH RESPONDENT:

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1. MANJU KUMARI & ANOTHER
CHANDRAMANGALM, KANNIMEL, PATTAZHI (PO)
KOLLAM.
 2. THE MANJAPPARA EDUCATIONAL AND
CHARITABLE TRUST, B.ED COLLEGE, MANJAPPARA, AYOOR
KOLLAM, REPRESENTED BY THE PRINCIPAL.

R,R1 BY ADV.SRI.M.R.RAJESH

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 11-06-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC & SHAJI P.CHALY, JJ.

Writ Appeal No.822 of 2008

Dated this the 11th day of June, 2015

JUDGMENT

Antony Dominic, J.

Respondents 1 to 3 in Writ Petition No.12290/06 have filed this appeal. The writ petition was filed by the first respondent herein, seeking to quash Ext.P3 communication issued by the University informing that she was ineligible to continue her studies in B.Ed. (English) and to declare that her admission to B.Ed. course in the second respondent college is as per Rules. By the judgment under appeal, the learned Single Judge directed that since she has already completed the course after taking loss of pay leave for one year and was allowed to write the examination, the admission of the first respondent be treated as regular and that her results be declared. It is this judgment, which is under challenge.

2. Although we do find force in the contention raised by learned Standing Counsel for the University, the benefit of relaxation availed by the first respondent was not available for candidates seeking admission to self financing colleges. Still having regard to the facts pointed out by the learned Standing Counsel for granting reliefs, we are not inclined to disturb the directions contained in the judgment. It is all the more so since the

learned Single Judge has clarified that the judgment is rendered on the peculiar facts of the case and that the same cannot be treated as a precedent.

3. Be that as it may, taking note of the submission made by the counsel for the appellants that the first respondent did not complete the course or appear for the entire examinations, we clarify that the judgment was rendered on the assumption that she had completed the course and appeared for the examinations. Therefore, if what is stated by the counsel for the appellants is factually correct, the first respondent would not be eligible for the benefit of the directions requiring the University to treat the admissions as regular or requiring them to declare the results and issue certificates.

Clarifying the position as above, appeal is disposed of.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
SHAJI P. CHALY
JUDGE

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