

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

WA.No. 266 of 2015 IN WP(C).850/2015

AGAINST THE JUDGMENT IN WP(C) 850/2015 DATED 14-01-2015

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APPELLANT/PETITIONER :

BENNU BABY PAUL AGED 24 YEARS
S/O.MARY, VEEPANATTU HOUSE, KEERAMPARA P.O.
KOTHAMANGALAM.

BY ADV. DR.GEORGE ABRAHAM

RESPONDENTS/RESPONDENTS :

1. KERALA UNIVERSITY OF FISHERIES AND OCEAN STUDIES
PANANGAD, KOCHI - 682 506
REPRESENTED BY ITS REGISTRAR.
2. VICE CHANCELLOR,
KERALA UNIVERSITY OF FISHERIES AND OCEAN STUDIES
PANANGAD, KOCHI - 682 506.
3. THE CONTROLLER OF EXAMINATIONS,
KERALA UNIVERSITY OF FISHERIES AND OCEAN STUDIES
PANANGAD, KOCHI - 682 506.
4. THE MANAGER,
SCHOOL OF MANAGEMENET AND ENTERPRENUERSHIP
KERALA UNIVERSITY OF FISHERIES AND OCEAN STUDIES
PANANGAD, KOCHI- 682506.

R1-R4 BY ADV. SRI.MILLU DANDAPANI, SC, KUFOS

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ASHOK BHUSHAN, Ag.C.J. & A.M. SHAFFIQUE, J.

W.A. No. 266 OF 2015

Dated this the 27th day of February, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the appellant as well as learned Standing Counsel for the University.

2. This writ appeal has been filed by the appellant against the judgment dated 14.01.2015 in W.P.(C) No.850 of 2015. The writ petition was filed by the petitioner aggrieved by the refusal of the University to permit him to join the third semester due to lack of attendance in four subjects which were included in the syllabus of 3rd semester. Learned Single Judge, after considering the submissions of appellant and University, disposed of the writ petition with some observations in paragraph 5 which reads as under:

"5. In the above circumstance, the University shall forthwith grant admission to the petitioner, not later than a week, on the further condition that if the petitioner is not able to obtain the required percentage of attendance in the four subjects for reason only of the delay in admission, the petitioner will not be entitled to any equity and the petitioner

cannot claim condonation only on the ground that his admission was delayed. The aforesaid condition is specifically made since this Court is of the opinion that the contention of the University, with respect to the simultaneous carrying on of two semesters, has to be upheld. On account of the petitioner having willingly taken the risk, the petitioner is permitted the admission as directed herein above. The percentage of attendance also would have to be computed with respect to the total periods in the respective subjects for the entire 3rd semester."

3. Learned counsel for the appellant has only raised one submission that the appellant, in so far as the directions under paragraph 5 are concerned, appellant and University agreed to abide by the said directions. However, the shortage in attendance 'within condonable limit' could not have been denied to the appellant which is a statutory provision empowering the University to consider such condonation if it is within certain limits.

4. We are of the view that learned Single Judge has rightly disposed of the writ petition noticing the stand of parties and putting the conditions as mentioned therein. We only clarify that in addition to the observation in paragraph 5, the appellant

shall also be entitled to take the benefit of condonation of shortage in the attendance up to the limit as permissible under the University Regulation.

With the above clarification, this Writ Appeal is disposed of.

**Ashok Bhushan,
Acting Chief Justice.**

**A.M. Shaffique,
Judge.**