

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

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2015/29TH MAGHA, 1936

WA.No. 291 of 2015 IN WP(C).25154/2014

AGAINST THE JUDGMENT IN WP(C) 25154/2014 DATED 08-01-2015

APPELLANT/PETITIONER :

SOUMYA K SIVASANKARAN AGED 23 YEARS
1ST SEMESTER MA
MOHINIYATTAM IN SREE SANKARACHARYA UNIVERSITY OF SANSKRIT
KALADY, ERNAKULAM DISTRICT.

BY ADV. SRI.R.DIVAKARAN

RESPONDENTS/RESPONDENTS :

1. SREE SANKARACHARYA UNIVERSITY OF SANSKRIT
KALADY, ERNAKULAM DISTRICT
REPRESENTED BY ITS REGISTRAR - 683 574.
2. THE ASSISTANCE REGISTRAR
EXAMINATION SECTION
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY
ERNAKULAM DISTRICT - 683 574.
3. THE HON'BLE PRO VICE CHANCELLOR
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY
ERNAKULAM DISTRICT - 683 574.

R1 TO R3 BY ADV. SRI.ARUN B.VARGHESE,SC, SREE SANKARACHARYA UTY.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 18-02-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

APPELLANT'S EXHIBITS:

ANNEXURE A1 : TRUE COPY OF APPLICATION DATED 12.01.2014.

ANNEXURE A2 : TRUE COPY OF REPLY DATED 20.01.2014.

RESPONDENTS' EXHIBITS:

NIL

/TRUE COPY/

PA TO JUDGE

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

W.A. No. 291 OF 2015

Dated this the 18th day of February, 2015

JUDGMENT

Ashok Bhushan, Ag.C.J.

Heard learned counsel for the appellant. This writ appeal has been filed against the judgment dated 08.01.2015 in W.P.(C) No.25154 of 2014 by which order the writ petition was dismissed with a further direction, imposing costs of Rs.10,000/- on the petitioner/appellant.

2. The appellant's case in the writ petition was that there was shortage of attendance beyond the condonation limit which was caused on account of the petitioner having met with an accident. It was further stated that the appellant was a meritorious student and shortage occurred was beyond her control. The University's stand was that the petitioner's shortage of attendance was beyond the condonation limit, hence petitioner was rightly not permitted to write the examination.

3. We have considered the submissions and perused the record. The view recorded by learned Single

Judge are based on materials on record and no error is committed in holding that shortage was beyond condonation limits. Thus the judgment in so far as dismissing the writ petition has to be sustained. However, in view of the fact that the shortage of attendance was due to circumstance which was beyond the control of appellant and due to an accident with which the appellant met, we are satisfied that direction to impose costs deserves to be deleted.

Thus we partly allow the appeal so far it imposes costs on appellant. Rest of judgment shall remain as such. The appeal is partly allowed.

**Ashok Bhushan,
Acting Chief Justice.**

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

WA No. 291 of 2015

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