

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 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WA.No. 678 of 2015 () IN WP(C).8718/2015

AGAINST THE JUDGMENT IN WP(C) 8718/2015 of HIGH COURT OF
KERALA DATED 19-03-2015

APPELLANT(S):

JOHNSON K. JOHN, AGED 22 YEARS,
S/O. JOHN, KADAVIL KIZHAKKEPUTHEN PURACKAL HOUSE,
PARUMALA P.O. PATHANAMTHITTA DISTRICT

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENT(S):

1. THE REGISTRAR, MAHATMA GANDHI UNIVERSITY,
OFFICE OF THE MAHATMA GANDHI UNIVESITY,
P.D. HILLS, KOTTAYAM - 686 001
2. CONTROLLER OF EXAMINATION,
MAHATMA GANDHI UNIVERSITY,
OFFICE OF THE MAHATMA GANDHI UNIVESITY,
P.D. HILLS, KOTTAYAM - 686 001
3. PRINCIPAL, MAHATMA GANDHI UNIVERSITY OF MEDICAL
EDUCATION, PUTHUPPALLY, KOTTAYAM - 686 001

BY SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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

.....
W.A. No. 678 of 2015
.....

Dated this the 20th day of March, 2015

JUDGMENT

Ashok Bhushan, Ag.CJ.

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

2. This Writ Appeal has been filed against the judgment dated 19-3-2015 in W.P. C. No. 8718 of 2015 by which the Writ Petition filed by the petitioner has been dismissed.

3. The petitioner/appellant who is a final year B.Pharm regular student has filed the Writ Petition seeking a direction to permit him to appear in the regular final year examination in B. Pharm subject to the result in 2nd year B. Pharm and further a

direction to respondents 1 and 2 to declare the result of revaluation in the subject Pharmaceutical Biotechnology, without further delay.

4. Petitioner could not clear the 2nd year examination in one subject although he availed 5 chances. Minimum marks for passing the examination is 36, but in none of the above chances, he could secure 36 marks or more. Supplementary examinations also could not be cleared and he prayed for permitting him to write the final year examination.

5. Learned Single Judge has dismissed the Writ Petition holding that the petitioner having failed in the regular and Supplementary examinations, he cannot be permitted to write the final year examination.

6. Learned counsel for the petitioner submits that he has also applied for revaluation which results are awaited and ultimately if he passes in the revaluation, he will loose one year.

7. Be that as it may, the petitioner having not cleared the 2nd year examination as per the regulation of the University, he cannot be permitted to appear in the final examination. The submission that the revaluation result is pending, that by itself does not give any right to write the final examination when the University regulations do not permit so. We do not find any error on the part of the learned Single in dismissing the Writ Petition.

Accordingly, this Writ Appeal is dismissed.

Sd/-ASHOK BHUSHAN ,
Ag. CHIEF JUSTICE

Sd/-A.M.SHAFIFIQUE,
JUDGE

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P.S.toJudge