

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WA.No. 819 of 2015 () IN WP(C).5676/2015

AGAINST THE JUDGMENT IN WP(C) 5676/2015 of HIGH COURT OF KERALA
DATED 20.3.2015

APPELLANT(S) :

1. ANANDAU P.S., AGED 24, S/O.SAJEEV.P.N.,
KARINILAM POST, PULIKKUNNU - 686 513.
2. RESHMA.R., KADAMPATTUVILA, KIZHAKKATHIL,
KURATTIKKADU, MANNAR, POST - 689 622.
3. SAJAN MATHEW GEORGE, PAZHAVARICKAL HOUSE,
KADAMANKULAM POST, KALLOOPPARA, THIRUVALLA - 689 583.
4. RINI BABU, MERCY HOUSE, KALAYAPURAM POST,
KOLLAM DISTRICT - 691 560.
5. MAHIN V. NAZAR, VATTAKAPARA HOUSE, KANJIRAPPALLY POST,
KOTTAYAM DISTRICT - 686 509.
6. SARANYA, SREE GOWTHAM HOUSE, KOONATHARA POST,
SHORNUR, PALAKKAD - 679 523.
7. SAJITHA M.K., MALIKAKUDY, KINGINIMATTOM,
KOLENCHERY, ERNAKULAM DISTRICT, PIN - 682 311.
8. MINTU SUSAN PHILIP, THINDIYATHIL HOUSE,
AMAYANNOOR POST, KOTTAYAM.

BY ADV. SRI.JAI GEORGE

RESPONDENT(S) :-

1. MAHATMA GANDHI UNIVERSITY, REPRESENTED BY ITS REGISTRAR,
UNIVERSITY CAMPUS, ATHIRAMPUZHA, KOTTAYAM - 686 562.
2. THE CONTROLLER OF EXAMINATIONS, MAHATMA GANDHI UNIVERSITY,
UNIVERSITY CAMPUS, ATHIRAMPUZHA, KOTTAYAM - 686 562.
3. THE VICE CHANCELLOR, MAHATMA GANDHI UNIVERSITY,
UNIVERSITY CAMPUS, ATHIRAMPUZHA, KOTTAYAM - 686 562.

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

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 08-04-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A. No. 819 of 2015

Dated this the 8th day of April 2015

J U D G M E N T

Ashok Bhushan, C.J

This writ appeal has been filed against the judgment dated 20.3.2015 passed in W.P.(C) No.5676 of 2015. The appellants who have filed the writ appeal had filed the writ petition seeking for the following reliefs :-

- “(i) issue a writ of mandamus directing the 1st respondent to declare the petitioners' results of the final year B.Pharm Examination held in April 2014, immediately.
- (ii) issue a writ of mandamus any other writ order or direction directing the 1st respondent to extent the benefit of Ext.P3, to the petitioners.”

2. The petitioners had appeared in the final year examination in April, 2014, the results of which was not published, hence, they approached this Court by filing the said writ petition. Petitioners 5 to 8 had appeared for the 4th year examination although they had not, by that time, cleared the 2nd year subjects and they had appeared for the 2nd year supplementary examination.

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3. Learned counsel for the appellants submits that at an earlier point of time Writ Appeal No.629 of 2014 and connected cases had been filed by another person, in which, the appellants were not parties, which were disposed of on 25.4.2014, wherein the following observations were made by the Division Bench of this Court :-

"It is made clear that if the appellants successfully come out in the 2nd year supplementary examination held during the month of March 2014, in the mean while, taking into account the said result, the University is free to declare the results of all the appellants who appeared for the 4th year examination, pursuant to the order in these writ appeals."

Subsequent to the said judgment, by letter dated 29.4.2014, the Kerala State Pharmacy Council has already issued directions that the students of 2nd year be considered favourably and even the candidates who have not cleared 1st, 2nd and 3rd year B.Pharm examinations may be allowed to appear for 4th year B.Pharm examinations. The last paragraph of the said letter reads as follows :-

"Hence, 180th Executive Committee of the Kerala State Pharmacy Council held on 24.4.2014 resolves that the students of 2nd year may kindly be considered favourably and even the candidates who have not cleared 1st, 2nd and 3rd B.Pharm examinations may be allowed to appear for 4th B.Pharm examinations."

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4. Appellants' case is that the learned Single Judge relying on the judgment of the Division Bench dated 25.4.2014 as noted above, has observed that in any event if directions shall be issued to declare the results of the 4th year examinations, the same shall be against the regulations. In this case, the appellants have cleared their first, second and third year B.Pharm examinations and also had been permitted to appear in the 4th year examinations. Although, the Division Bench in its judgment dated 25.4.2014 had put the condition as noted above, the benefit extended to the students by the Kerala State Pharmacy Council vide its letter dated 29.4.2014 by virtue of the decision taken in the 180th Executive Committee held on 24.4.2014 cannot be denied to the appellants herein. Thus, besides the condition in the judgment dated 25.4.2014, the appellants ought to have been given the benefit of the subsequent letter dated 29.4.2014 and the results should have been published. Since the letter dated 29.4.2014 being a subsequent event after the judgment of the Division Bench, the said benefit is to be extended to all the candidates. We are, however, of the view that since the appellants have passed the 2nd year examinations and have

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appeared for the 4th year examination, the results of the appellants should have been published.

In the above view of the matter, we dispose of the writ appeal directing the University to declare the results of the appellants in the 4th year examinations.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//TRUE COPY//

P.A. TO JUDGE