

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

FRIDAY, THE 22ND DAY OF MAY 2015/1ST JYAISHTA, 1937

WA.No. 1709 of 2014 IN WP(C).26752/2013

AGAINST THE JUDGMENT IN WP(C) 26752/2013 DATED 07-04-2014
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APPELLANTS/PETITIONERS IN WPC :

1. FAZIL BAPPU,
PUTHIYAVEETIL NAKKOLAKKAL HOUSE, PUNNAYOOR POST
THRISSUR DISTRICT.
2. VIVEK.P.,
VANDANA, N.P.ROAD, IRUTTY
KANNUR DISTRICT.
3. ARSHAD.V.,
VETTUKATTIL, THURAYUR, PAYYOLIANGADI
KOZHIKODE DISTRICT.

BY ADVS.SRI.M.P.SREEKRISHNAN
SMT.M.H.BINDU

RESPONDENTS/RESPONDENTS :

1. THE UNIVERSITY OF CALICUT,
REPRESENTED BY ITS REGISTRAR, THENJIPALAM
MALAPPURAM DISTRICT, KERALA-673 635.
2. THE VICE CHANCELLOR,
UNIVERSITY OF CALICUT, CALICUT P.O., KERALA-673 635.
3. THE CHAIRMAN,
SYNDICATE OF THE UNIVERSITY OF CALICUT
CALICUT UNIVERSITY P.O., KERALA-673 635.

BY SRI.SANTHOSH MATHEW, SC, CALICUT UNIVERSITY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 22-05-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A. No. 1709 OF 2014

Dated this the 22nd day of May, 2015

JUDGMENT

Ashok Bhushan, C.J.

Heard learned counsel for the appellants/petitioners as well as learned Standing Counsel appearing for the Calicut University.

2. This writ appeal is filed against the judgment dated 07.04.2014 passed in W.P.(C) No. 26752 of 2013. The first and third petitioners were granted Junior Research Fellowship from the University Grants Commission and second petitioner with a scholarship from the University. They carried on research works in various subjects. The appellants, aggrieved by the bio-metric punching system introduced in the University to ensure attendance of the employees of the University including the Research Scholars, have filed the writ petition. The University, by Exts.P1 to P4, has introduced the bio-metric punching system which was a decision taken by the University after considering the facts, circumstances and happenings in the University. Learned Single Judge by the

impugned judgment has considered the grounds of challenge raised to the decision of the University and had opined that there are no grounds to exercise jurisdiction under Article 226 of the Constitution. By a well considered judgment learned Single Judge has dismissed the writ petition. Counsel for the appellant has submitted that the issue is to be undertaken by the University and a Committee has already been constituted.

3. Be that as it may, in any event subsequent or future decision is to be taken by the University as per its statute, it is for the University to take appropriate steps to modify the decision. It cannot be a ground for saying that there is fault in the judgment of learned Single Judge.

4. Learned Standing Counsel for the University further submitted that bio-metric punching machines were damaged and that is also not a ground on which this Court may entertain the Writ Appeal. We are not inclined to enter into the said issue in this appeal.

5. It is well settled that the Court, in exercise of its power under Article 226 of the Constitution, is to be reluctant to

interfere with the academic decision taken by the University which are taken by the University to inculcate the discipline and order in the functioning of the University especially when no statutory violation is alleged or proved.

We are not inclined to entertain the appeal exercising our appellate jurisdiction in this appeal. With the observation made as above, the Writ Appeal is dismissed.

**Ashok Bhushan,
Chief Justice.**

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