

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

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

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WA.No. 2323 of 2015 () IN WP(C).27746/2015

AGAINST THE JUDGMENT IN WP(C) 27746/2015 DATED 19-10-2015

APPELLANT(S)/PETITIONERS :-

1. P.SOORAJ, AGED 21 YEARS, S/O.SUKUMARAN NAIR,
PATTAMBURATH HOUSE, P.O.PANTHEERAMKAVU,
KOZHIKODE-673 019.
2. T.K.ASHIK, AGED 21 YEARS, S/O.T.K.KALYAN KUMAR,
KARAMACHADATHU HOUSE, P.O.VENGERI,
KOZHIKODE - 673 010.
3. N.K.YABASH MUHAMMED, AGED 21 YEARS,
S/O.N.K.MUHAMMED KOYA, NOCHIKKATTIL HOUSE,
MADRASSA BAZAR, P.O.KODUVALLY, KOZHIKODE - 673 572.

BY ADVS.SRI.C.S.MANU
SRI.S.K.PREMRAJ

RESPONDENT(S)/RESPONDENTS :-

1. THE PRINCIPAL, COLLEGE OF ENGINEERING,
P.O.SREEKARYAM, THIRUVANANTHAPURAM - 695 016.
2. COLLEGE OF ENGINEERING, P.O.SREEKARYAM,
THIRUVANANTHAPURAM - 695 016
REPRESENTED BY ITS PRINCIPAL.
3. THE COLLEGE COUNCIL, COLLEGE OF ENGINEERING,
P.O.SREEKARYAM, THIRUVANANTHAPURAM - 695 016.
4. UNIVERSITY OF KERALA, PALAYAM,
THIRUVANANTHAPURAM - 695 034
REPRESENTED BY ITS REGISTRAR.
5. THE VICE CHANCELLOR, UNIVERSITY OF KERALA,
PALAYAM, THIRUVANANTHAPURAM - 695 034.

BY SR.GOVERNMENT PLEADER SRI.P.I.DAVIS
BY SRI.PAUL JACOB, SC, UNIVERSITY OF KERALA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 27-
10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A. No.2323 of 2015

Dated this the 27th day of October 2015

J U D G M E N T

Shaffique, J.

The appellants are the petitioners in W.P.(C) No.27746 of 2015. They challenge the judgment dated 19.10.2015, by which, the learned Single Judge disposed of the writ petition without interfering with the challenge made by the petitioners. However, it is made clear that the interim order dated 7.10.2015 in the writ petition will continue till the Board takes a decision.

2. The petitioners challenged the order of suspension passed against them alleging that they are involved in ragging. The learned Single Judge observed that since the petitioners have an effective remedy by way of complaint to the Students Grievance Redressal Board, who is entitled to take final decision in the matter, the learned Single Judge did not enter into the merits of the case.

3. The learned counsel for the appellants submits that the issue involved ought to have been decided by this Court as the petitioners were kept under suspension since 31.8.2015. That apart, it is submitted that though an interim order had been passed permitting the petitioners to submit their assignments/

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projects/lab records and based on the decision taken by the Head of the Department, petitioners 2 and 3 were permitted to attend the laboratory, the first petitioner was not permitted to do so.

4. Having regard to the fact that the learned Single Judge had already relegated the petitioners to approach the competent Board, we do not think that in exercising appellate jurisdiction, this Court should interfere with the said order. However, we only observe that the Head of the Department of the first petitioner shall consider whether the first petitioner should be permitted to attend the laboratory to avoid any further loss of his academic year.

With the above observation, this writ appeal is disposed of. It is made clear that the interim orders dated 18.9.2015 and 7.10.2015 passed by the learned Single Judge shall continue until a final decision is taken by the Board.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE