

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. 2330 of 2015 () IN WP(C).28933/2015

AGAINST THE JUDGMENT IN WP(C) 28933/2015 DATED 20-10-2015

APPELLANT(S)/THIRD RESPONDENT IN THE WRIT PETITION :-

THE PRINCIPAL
MAR ATHANASIOUS COLLEGE, KOTHAMANGALAM, COLLEGE.P.O.
KERALA-686 666.

BY ADV. SRI.GEORGE JACOB (JOSE)

RESPONDENT(S)/RESPONDENTS 1 & 2 AND PETITIONER IN THE WRIT
PETITION :-

1. THE BOARD FOR ADJUDICATION OF STUDENTS GRIEVANCES
MAHATMA GANDHI UNIVERSITY, KOTTAYAM
REPRESENTED BY ITS CHAIRMAN, PIN-686 562.
2. MAHATMA GANDHI UNIVERSITY
PRIYADARSHINI HILLS, ATHIRAMPUZHA.P.O., KOTTAYAM
REPRESENTED BY ITS REGISTRAR, PIN-686 562.
3. MUHAMMED NIHAL
5TH SEMESTER B.COM (TAXATION) STUDENT (SELF FINANCING)
M.A.COLLEGE, KOTHAMANGALAM, PIN-686 666.

BY SRI.P.C.SASIDHARAN
BY SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY

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

jvt

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

W.A. No.2330 of 2015

Dated this the 27th day of October 2015

J U D G M E N T

Ashok Bhushan, CJ.

This writ appeal has been filed against the judgment dated 20.10.2015 in W.P.(C) No.28933 of 2015, by which, the learned Single Judge permitted the petitioner to provisionally sit in the examination with a direction to publish the result subject to the outcome of the proceedings pending with the first respondent. The petitioner, who is an Engineering student, was imposed with a punishment, which was handed over by the Principal on 19.8.2015. He was asked not to enter into the College till 21.9.2015. The order of the Principal read as follows :-

“The Council noted that the proposed punishment was to place you under suspension for a period of three months which was in no way excessive. However, reckoning the fact that clashes and assaults had not occurred despite all your preparations, the Council resolved to limit your punishment to a period of two months from the date of your suspension, ie,22/7/2015 with all its consequences including disability to appear for the University examinations and the loss of one year of your academic career on account of shortage of attendance. You do not deserve any leniency in the

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wake of the acts of misconduct committed by you which have been proved in the proceedings. The order of punishment is enclosed herewith.

Your are cautioned not to enter the college and premises till 21/9/2015. Please be assured that you would be summarily dismissed for the college in case you're involved in any act subversive of discipline in the college during your academic career in the College. You may attend classes from 22.9.2015 on the expiry of the period of your suspension."

The said order was challenged by the petitioner, in which, the learned Single Judge had passed the judgment as aforesaid. The Principal is in appeal against the said judgment.

2. It is submitted by the learned counsel for the appellant that on account of certain misconduct, which was alleged against the writ petitioner, he did not deserve any leniency and that the learned Single Judge ought not to have granted permission to the petitioner to appear in the examination. On a perusal of the order issued by the Principal, it would indicate that the petitioner was asked not to enter into the college till 21.9.2015.

3. Learned counsel for the 3rd respondent/writ petitioner informed the Court that the examination has already begun Yesterday (26.10.2015) and one paper has already been written by the petitioner.

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4. In the facts of the present case, though the petitioner was permitted to attend the class from 22.9.2015, we are of the view that substantial justice has been shown by the learned Single Judge in permitting the petitioner to provisionally appear in the examination, which was made subject to the outcome of the proceedings pending with the first respondent.

In the above view of the matter, we see no reason to interfere with the judgment of the learned Single Judge. Accordingly, the writ appeal is dismissed.

**Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE**

**Sd/-
A.M. SHAFFIQUE
JUDGE**

//TRUE COPY//

P.A. TO JUDGE