

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE THOTTATHIL B.RADHAKRISHNAN
&
THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

WEDNESDAY, THE 11TH DAY OF NOVEMBER 2015/20TH KARTHIKA, 1937

WA.No. 2434 of 2015 () IN WP(C).31154/2015

AGAINST THE ORDER IN WP(C) 31154/2015 DATED 13.10.2015

APPELLANTS/RESPONDENTS:

- 1.UNIVERSITY OF KANNUR
REPRESENTED BY ITS VICE-CHANCELLOR PALAYAD
KANNUR 670001
2. THE CONTROLLER OF EXAMINATIONS
UNIVERSITY OF KANNUR, PALAYAD KANNUR-670001
3. THE DIRECTOR
SCHOOL OF HEALTH SCIENCES, THALASSERY CAMPUS
KANNUR 670001

BY ADV. SRI.V.A.MUHAMMED

RESPONDENT/PETITIONER:

SAFEERA A, AGED 23 YEARS
W/O SHAMJID, ATHALAKKAL HOUSE, MUTTUNGAL WEST PO
VATAKARA , KOZHIKODE-673 106

BY SRI.S.K.SAJU

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 11-11-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN &
ANU SIVARAMAN, JJ.

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W.A.No.2434 of 2015

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Dated this the 11th day of November, 2015

JUDGMENT

Thottathil B.Radhakrishnan, J.

- 1.The Kannur University has filed this appeal against an interim order granted in a writ petition. We have heard the learned counsel for the University.
- 2.The respondent is a student in the School of Health Sciences of the University. She was not permitted to appear for University examination on the ground of shortage of attendance. Entertaining the writ petition by the student, the learned single Judge has granted an interlocutory order, whereby the writ petitioner was provisionally permitted to sit in the 3rd Semester examination and to attend the 4th Semester class, however that, the same will be provisional and subject to the result of the writ petition. This order is one of such nature

which does not result in any crystallized relief based on rights, to the writ petitioner. No issue of law or fact having a final bearing on the decision in the writ petition has been rendered by the learned single Judge. The interlocutory order which is impugned in this writ appeal is a discretionary measure rendered in writ jurisdiction on the basis of prima facie case and balance of convenience. If the writ petition ultimately succeeds and the writ petitioner did not have such an interlocutory relief, the consequence can be easily visualised as one that would be disastrous to the student. We, therefore, do not see any ground to interfere with the impugned order. The writ appeal, therefore, fails.

In the result, this writ appeal is dismissed in limine.

sd/-

Thottathil B.Radhakrishnan, Judge

sd/-

Anu Sivaraman, Judge

sj

TRUE COPY

P.A.TO JUDGE