

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 13TH DAY OF JANUARY 2015/23RD POUSHA, 1936

W.P.(C).No.168 of 2015 (U)

PETITIONER(S):-

ELINA RAJAN VARGHESE, AGED 25 YEARS, D/O. RAJAN VARGHESE,
AYRATHU HOUSE, MARADU P.O.,
KOCHI-682304.

BY ADV. SRI.P.DEEPAK.

RESPONDENT(S):-

1. MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, UNIVERSITY CAMPUS,
ATHIRAMPUZHA P.O., KOTTAYAM-686560.
2. THE REGISTRAR,
MAHATMA GANDHI UNIVERSITY, UNIVERSITY CAMPUS,
ATHIRAMPUZHA P.O., KOTTAYAM-686560.
3. THE CONTROLLER OF EXAMINATIONS,
MAHATMA GANDHI UNIVERSITY, UNIVERSITY CAMPUS,
ATHIRAMPUZHA P.O., KOTTAYAM-686560.

R1 TO R3 BY STANDING COUNSEL SRI.VARUGHESE M.EASO.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No.168 of 2015 (U)

APPENDIX

PETITIONER(S)' EXHIBITS:-

EXHIBIT P1: A TRUE COPY OF THE JUDGMENT DATED 12.11.2014 IN
WPC NO:26258 OF 2014 AND CONNECTED CASES.

EXHIBIT P2: A TRUE COPY OF THE UNIVERSITY ORDER DATED 4.12.2014.

EXHIBIT P3: A TRUE COPY OF THE KERALA PSC NOTIFICATION
DATED 12.12.2014.

EXHIBIT P4: A TRUE COPY OF THE COMMUNICATION DATED 3.1.2015
ADDRESSED TO THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/

(true copy)

K.Vinod Chandran, J.

W.P.(C).No.168 of 2015-U

Dated this the 13th day of January, 2015

JUDGMENT

The above writ petition has been filed seeking expeditious issue of mark-list for the purpose of applying for the Provisional Certificate and also to make an application pursuant to Exhibit P3 notification brought out by the Kerala Public Service Commission [for brevity "PSC"].

2. The petitioner herein was directed to be declared qualified in the M.Tech course in which she appeared, as per Exhibit P1 judgment. Definitely the University has not filed any appeal from the same and by Exhibit P2, there is compliance also made by the University.

3. The grievance of the petitioner herein is that, despite such compliance having been recorded, the mark-list has not yet been issued. The specific claim for issuance of mark-list is based on Exhibit P3 notification issued by the PSC. A reading of Exhibit P3 discloses that the essential

qualification to the post which has been notified in Exhibit P3 is First Class either in BE/B.Tech or ME/M.Tech. Definitely, as per the Regulations, the petitioner who had qualified in the second chance, would not be granted the First Class. Hence, there is no question of her being denied chance from applying under Exhibit P3 by the non-issuance of the mark-list in the M.Tech course.

4. It is submitted that the petitioner has First Class in B.Tech. Then that alone entitles her to make an application under Exhibit P3. However, the learned counsel for the petitioner submits that the writ petition was necessitated only because the application which had to be uploaded to the website of the PSC has a column in which the percentage of marks obtained for M.Tech has to be specified. If M.Tech is not the qualification based on which entitlement to apply accrues, then it is not clear why; there should be requirement to fill up the percentage obtained.

5. The learned Standing Counsel for the University, after verification with the University, has submitted

before Court that the petitioner has a percentage of 57.7 marks in the M.Tech course. The same is said to be published in the website also.

In the above circumstance, there is no reason for the writ petition to be kept pending. The writ petition is closed as unnecessary. The submission of the learned Standing Counsel for the University that the mark-lists have been despatched already, is recorded.

Sd/-

K.Vinod Chandran
Judge

vku/-

(true copy)