

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 3977 of 2012 (V)

PETITIONER(S):

**FASEELA HUSSAIN, AGED 26 YEARS
W/O. SUDHEER KHAN, SUDHEER MANZIL
MYLAPUR, UMayANALLUR P.O., KOLLAM DISTRICT.**

BY ADV. SRI.VINOY VARGHESE KALLUMOOTTILL

RESPONDENT(S):

- 1. UNIVERSITY OF KERALA
REPRESENTED BY ITS REGISTRAR,
UNIVERSITY CAMPUS,
THIRUVANANTHAPURAM-695001.**
- 2. CONTROLLER OF EXAMINATION
UNIVERSITY OF KERALA,
THIRUVANANTHAPUAM-695001.**
- 3. THE PRINCIPAL,
HANEEFA KUNJU MEMORIAL COLLEGE OF EDUCATION,
UMAYANALLOOR P.O.,
KOLLAM DISTRICT-691001.**

**R1 & R2 BY ADV. SRI.GEORGE POONTHOTTAM,SC, UNIVERSITY OF KERALA
BY ADV. SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA
BY ADV. SRI.GEORGE POONTHOTTAM,SC, UNIVERSITY OF KERALA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03-07-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S) EXHIBITS:

EXHIBIT P1: TRUE COPY OF THE MARK SHEET FOR THE 1ST RESPONDENT.

EXHIBIT P2: TRUE COPY OF THE CERTIFICATE ISSUED BY UNIVERSITY OF CALICUT.

EXHIBIT P3: TRUE COPY OF THE CERTIFICATE ISSUED BY THE KANNUR UNIVERSITY.

EXHIBIT P4: TRUE COPY OF THE RELEVANT PAGES OF THE PROSPECTUS.

EXHIBIT P5: TRUE COPY OF THE JUDGMENT IN WPC NO. 27661/2011.

**EXHIBIT P6: TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT TO THE
3RD RESPONDENT COLLEGE.**

**EXHIBIT P7: TRUE COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT DATED
19-07-2011.**

**EXHIBIT P8: TRUE COPY OF THE RESULT PUBLISHED BY THE UNIVERSITY WITH
RESPECT TO 3RD RESPONDENT COLLEGE IN WHICH THE
PETITIONER'S RESULT WAS WITHHELD IN B.ED NATURAL SCIENCE.**

RESPONDENT'S' EXHIBITS:

**EXHIBIT R1(a): TRUE COPY OF THE RELEVANT PORTIONS OF THE REGULATIONS
FOR B.Ed. DEGREE COURSE AND EXAMINATIONS UNDER SEMESTER
SYSTEM.**

**EXHIBIT R1(b): TRUE COPY OF THE SAID COMMUNICATION NO.Ac.AIII/2/FoE/0003/
2010/IV-C-1 DATED 26.10.2010.**

//TRUE COPY//

P.A. TO JUDGE

STK

P.V.ASHA, J.

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W.P.(C)No.3977 of 2012

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Dated this the 3rd day of July, 2015

JUDGMENT

The petitioner had completed her B.Ed course for the year 2010-2011 in Haneefa Kunju Memorial College. At the time of examination of the 1st semester, she approached this Court since she was not allowed to appear in the examination, on the ground that she did not produce eligibility certificate.

2. Petitioner submits that the Bsc, Micro Biology Degree awarded to her from Calicut University is not recognised by Kerala University. The petitioner acquired B.Sc Degree in Microbiology with second class, from Calicut University. In the process of selection for admission to the B.Ed course, she got admission in 3rd respondent College, which is under Kerala University.

3. According to the petitioner, she was granted admission to the college, on being found that she was eligible for the same, in accordance with Ext.P4 prospectus issued by the Commissioner for Entrance Examination. Being a graduate in Microbiology, she could apply for admission for B.Ed in Natural Science. Under clause 5.4.2.2 of Ext.P4 prospectus, the eligibility criteria for admission to B.Ed in Natural Science is : B.Sc. Degree with Botany/ Zoology/Biochemistry/B.Sc., Plant Science/Home Science with Zoology or Botany as subsidiary/Aquaculture (with Biochemistry and Zoology as Subsidiaries)/ Biotechnology/Microbiology with 50% marks in aggregate.

4. But the Kerala University objected to the admission granted to petitioner, on the ground that she did not produce the eligibility certificate and hence her admission cannot be regularised. According to the University, admission to B.Ed Colleges under the University is governed by Ext.R1(a) "Regulations for B.Ed. Degree course and examinations under Semester System". Candidates who have passed their

qualifying examination from Universities/Board other than the University of Kerala are to be admitted only after obtaining Eligibility Certificate from the University of Kerala.

5. The Degree course completed by the petitioner is recognized and accepted by other Universities in Kerala. An equivalent certificate was issued to petitioner by the Kannur University stating that B.Sc Microbiology (regular) of the University of Calicut and the University of Kerala are equivalent to B.Sc Microbiology Degree of the Kannur University for the purpose of higher studies. The respondent Kerala University is not satisfied by the equivalency certificate issued by the Kannur University. According to them, the eligibility certificate has to be issued by the Kerala University themselves, on application by the petitioner. It is stated that the petitioner has not approached the University seeking an eligibility certificate.

6. After hearing the learned counsel on either side, I find that the petitioner is fully qualified for admission to B.Ed in Natural Science in terms of clause 5.4.2.2 of Ext.P4

prospectus issued by the Commissioner for Entrance Examination, since she is having B.Sc Degree in Microbiolgoy. In view of the fact that the petitioner was not given any intimation regarding the requirement of eligibility certificate from Kerala University, the respondent University shall consider the case of petitioner for the purpose of granting eligibility certificate at the earliest. The petitioner shall therefore submit an application before the respondent University, for eligibility certificate, and the University shall consider and pass orders and issue eligibility certificate at the earliest. Immediately on issuance of such eligibility certificate results of first semester examination shall be published. This shall be done within a period of one month from the date of receipt of a copy of this judgment.

Sd/-
P.V.ASHA
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE