

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 460 of 2015 (F)

PETITIONER:

**RATHANJITH. V.V, AGED 32 YEARS,
S/O.K.K. RADHAKRISHNAN, KARTHIKA,
PATHIRIYAD P.O., PINARAYI, KANNUR-670 741.**

**BY ADVS.SRI.K.MOHANAKANNAN,
SMT.A.R.PRAVITHA.**

RESPONDENTS:

- 1. UNIVERSITY OF CALICUT,
REPRESENTED BY ITS REGISTRAR,
CALICUT UNIVERSITY P.O, MALAPPURAM-673 635.**
- 2. THE VICE CHANCELLOR,
UNIVERSITY OF CALICUT,
CALICUT UNIVERSITY P.O, MALAPPURAM-673 635.**
- 3. THE CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P.O.,
MALAPPURAM-673 635.**
- 4. THE ASST. REGISTRAR,
SPECIAL SUPPLEMENTARY EXAM UNIT,
NEAR DEPARTMENT OF COMMERCE AND
MANAGEMENT STUDIES, UNIVERSITY OF CALICUT,
CALICUT UNIVERSITY P.O, MALAPPURAM-673 635.**

BY ADV. SRI.SANTHOSH MATHEW, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT P1- TRUE COPY OF THE NOTIFICATION NO. RH2/2/280565/2011
DATED 20-11-2013 PUBLISHED BY THE UNIVERSITY.
- EXHIBIT P2- TRUE COPY OF THE HALL TICKET ISSUED BY THE UNIVERSITY
TO THE PETITIONER.
- EXHIBIT P3- TRUE COPY OF THE RELEVANT PAGE OF THE BOOK GLOBAL
ENGLISH WRITTEN BY ANANDKUMAR RAJ.
- EXHIBIT P4- TRUE COPY OF THE QUESTION PAPER NO.D 52700 ISSUED BY
THE UNIVERSITY.
- EXHIBIT P5- TRUE COPY OF THE COMPLAINT DATED 19-12-2014 SUBMITTED
BY THE PETITIONER BEFORE THE UNIVERSITY.

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

K.VINOD CHANDRAN, J

W.P.(C) No.460 of 2015

Dated this the 21st day of January, 2015

JUDGMENT

The petitioner is aggrieved with the failure in the examination, for reason of there being out of syllabus questions in the question paper. The petitioner admittedly appeared for B.Com Special Supplementary Examinations in February, 2014. The petitioner submits that as per Ext.P1 notification issued on 20.11.2013, there were questions out of syllabus totalling 34 marks which was objected to by the students in the examination hall and a representation filed before the Chief Examiner. It is to be immediately noticed that no such representation has been produced in the above writ petition.

2. Obviously none of the students objected to the same, after the examinations, before any authority of the University. The results were published. When the petitioner was revealed to have failed for one paper, for 3 marks, the

petitioner then filed a representation (Ext.P5) raking up the issue of out-of-syllabus questions.

3. The learned Standing counsel appearing for the University submits that the entire valuation has been completed and the results have been published and now there can be no re-evaluation effected. It is also submitted that there is no provision for revaluation and there is a specific interdiction in the regulations.

4. In such circumstances, this Court is of the opinion that, by reason of the delay caused and the petitioner having not chosen to agitate his cause at the appropriate time, it would not be proper for this Court to invoke the extra ordinary power under Article 226 of the Constitution. The petitioner has approached this court only on realising that he has failed in a paper, raising a contention, that there were out-of-syllabus questions; in the question paper. Ext.P1 notification admittedly was issued on 20.11.2013 and the examination was conducted in February, 2014. The

petitioner was aware of the notification and the portions which were excluded in Ext.P1 notification, even at the time of the examination. The writ petition is found to be devoid of merit and the same, is hence dismissed. No costs.

Sd/-
K.VINOD CHANDRAN,
JUDGE

//true copy// P.A to Judge

smv