

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 19TH DAY OF JANUARY 2015/29TH POUSHA, 1936

WP(C).No. 724 of 2015 (M)

PETITIONER:

**VIVEK J. NAIR,
S/O JANARDHANAN NAIR, AGED 20 YEARS,
RESIDING AT CHANDRA VILAS,
PERUVARAM, NORTH PARAVOOR - 683513.**

**BY ADVS.SMT.REKHA NAIR
SRI.AKHIL K.MADHAV**

RESPONDENT(S):

- 1. THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
OFFICE OF THE REGISTRAR OF
MAHATMA GANDHI UNIVERSITY,
PRIYADARSHINI HILLS, ATHIRAMPUZHA P.O,
KOTTAAM DISTRICT - 686560.**
- 2. THE CONTROLLER OF EXAMINATIONS,
MAHATMA GANDHI UNIVESITY,
OFFICE OF THE CONTROLLER OF EXAMINATIONS,
MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS,
ATHIRAMPUZHA P.O, KOTTAYAM DISTRICT - 686560.**
- 3. THE ALBERTIAN COLLEGE OF MANAGEMENT STUDIES,
BANERJI ROAD, KOCHI 18,
RERPESENTED BY ITS PRINCIPAL.**

**R1 & R2 BY SRI.VARUGHESE M.EASO, SC
R3 BY ADV. SRI.P.GEORGE WILLIAM**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 19-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

EXHIBIT P1 : THE TRUE COPY OF THE INTIMATION SENT BY THE 3RD RESPONDENT CONFIRMING THE ADMISSION OF THE PETITIONER.

EXHIBIT P2 : THE TRUE COPY OF THE CONFIDENTIAL GRADE CARD ISSUED BY THE 1ST RESPONDENT.

EXHIBIT P3 : THE TRUE COPY OF THE DETAILS REGARDING THE REMITTANCE OF EXAM FEE.

EXHIBIT P4 : THE TRUE COPY OF THE RECEIPTS OF THE 1ST SEMESTER FEE.

EXHIBIT P5 : THE TRUE COPY OF THE REPRESENTATION GIVEN BY THE PETITIONER TO THE PRO VICE CHANCELLOR OF THE 1ST RESPONDENT.

EXT. P6(A) : TRUE COPY OF THE MARK LIST OF THE 1ST SEMESTER DEGREE EXAMINATION DATED 17.4.2012.

EXT. P6(B) : TRUE COPY OF THE MARK LIST OF THE 2ND SEMESTER DEGREE EXAMINATION DATED 22.10.2012.

EXT. P6(C) : TRUE COPY OF THE MARK LIST OF THE 3RD SEMESTER DEGREE EXAMINATION DATED 2.4.2013.

EXT. P6(D) : TRUE COPY OF THE MARK LIST OF THE 4TH SEMESTER DEGREE EXAMINATION DATED 26.8.2013.

EXT. P6(E) : TRUE COPY OF THE MARK LIST OF THE 5TH SEMESTER DEGREE EXAMINATION DATED 24.4.2014.

EXT. P6(F) : TRUE COPY OF THE MARK LIST OF THE 6TH SEMESTER DEGREE EXAMINATION DATED 19.6.2014.

RESPONDENT(S)' EXHIBITS:

ANNEXURE R1(A) : TRUE COPY CIRCULAR NO.ACA1/3/2114 DT. 06.11.2008 ISSUED BY THE MAHATMA GANDHI UNIVERSITY.

/TRUE COPY/

P.S. TO JUDGE

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K. VINOD CHANDRAN, J

W.P(C) No. 724 of 2015

Dated this the 19th day of January, 2015

J U D G M E N T

The petitioner seeks permission to appear for the 1st semester examination of the M.B.A course, which course the petitioner is pursuing under the 3rd respondent-College, affiliated to the 1st respondent-University. The petitioner was admitted to the course by the 3rd respondent as per the prospectus issued by the University, in which the cut off date of admission was 31.10.2014. The petitioner, who had completed the B.Com Degree in May, 2014, had appeared for one of the papers in 4th semester, in the supplementary examination held on 20.05.2014. The result of the supplementary examinations were declared only on 11.12.2014. However, earlier to that, the petitioner had applied for confidential mark-lists, which was issued by the first respondent-University itself on 29.10.2014; under which, the graduate degree also was pursued. The petitioner seeks regularisation of the admission granted to him.

2. The learned Standing Counsel for the University has produced Annexure R1(a) and seeks rejection of the prayer of the petitioner on the ground that there is an irregular admission made. The University relies on a clause in Ext.R1(a) Regulation, which is said to have been issued as per the directions of the Hon'ble Supreme Court, wherein the Institutions granting admissions, have been directed to verify the qualification of the candidate before admissions are granted.

3. The learned Standing Counsel would further contend that Ext.P1 would indicate that the admissions were commenced on 31.05.2014 and the classes were started on 16.06.2014 and originally the cut off date for admission was 05.09.2014, which later was extended to 31.10.2014. In such circumstances, the admission of the petitioner, which had occurred before 05.09.2014 was irregular, is the submission. It is also submitted, till date, the petitioner has not produced the provisional certificate or mark-lists of the examination.

4. Primarily it is to be noticed that the University itself had extended the time for admission; and made the

extended cut off date as on 30.10.2014. Admittedly, the petitioner had produced the confidential mark-lists before that; i.e, on 29.10.2014. Hence the petitioner was qualified prior to the cut off date for admission and had also produced the necessary documents to evidence such qualification. The further contention of the University that no provisional certificate has been produced, is only to be stated to be rejected, since it is the respondent University itself, who issued the confidential mark-lists and no suspicion could be raised on that count and it is verifiable by the first respondent-University.

5. The learned counsel for the 3rd respondent College refuted the contention of the University as to the irregular admission on the ground that the admission of the petitioner was made on 17.10.2014, when the cut off date stood extended.

6. On the peculiar facts noticed in the above case, this Court is convinced that the petitioner had produced the entire documents before the cut off date itself. Since the respondent-University has sent back the certificates to the 3rd

respondent, the 3rd respondent shall, on production of the certified copy of this judgment, transmit the same to the University within one month from the date of production and verify whether the petitioner is qualified for the admission to the MBA course and shall pass necessary orders thereon. It is also made clear that this Court has looked into the records only for considering the issue whether the petitioner was admitted regularly and the petitioner had produced the entire mark-lists before the cut off date.

7. In such circumstance, the petitioner shall be permitted to participate in the examination commencing on 21.01.2015, subject however, to the decision of eligibility as far as the graduate qualificate is concerned.

Writ petition stands allowed.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

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(true copy)