

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 14TH DAY OF JANUARY 2015/24TH POUSHA, 1936

WP(C).No. 850 of 2015 (E)

PETITIONER(S):

BENNU BABY PAUL, AGE 24
S/O. MARY, VEEPANATTU HOUSE, KEERAMPARA.P.O.
KOTHAMANGALAM.

BY ADV. DR.GEORGE ABRAHAM

RESPONDENT(S):

1. KERALA UNIVERSITY OF FISHERIES AND OCEAN STUDIES,
PANANGAD, KOCHI 682506, REPRESENTED BY ITS REGISTRAR.
2. VICE CHANCELLOR,
KERALA UNIVERSITY OF FISHERIES AND OCEAN STUDIES
PANANGAD, KOCHI-682506.
3. THE CONTROLLER OF EXAMINATIONS,
KERALA UNIVERSITY OF FISHERIES AND OCEAN STUDIES
PANANGAD, KOCHI-682506.
4. THE DIRECTOR,
SCHOOL OF MANAGEMENT AND ENTREPRENEURSHIP
KERALA UNIVERSITY OF FISHEREIS AND OCEAN STUDIES
PANANGAD, KOCHI-682506.

BY SRI.MILLU DANDAPANI, SC, KUFOS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
14-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

P1. TRUE COPY OF THE ACADEMIC REGULATIONS FOR THE MBA PROGRAM EFFECTIVE FROM 2011 ADMISSIONS.

P2. TRUE COPY OF THE HALL TICKET FOR WND SEMESTER MBA EXAMINATION ISSUED TO THE PETITIONER.

P3. TRUE COPY OF THE RECEIPT FOR THE FEE PAID FOR THE 3RD SEMESTER COURSE.

P4. TRUE COPY OF THE HALL TICKET FOR 3RD SEMESTER MBA EXAMINATION ISSUED TO THE PETITIONER.

P5. TRUE COPY OF THE HALL TICKET FOR 4TH SEMESTER MBA EXAMINATION ISSUED TO THE PETITIONER.

P6. TRUE COPY OF THE TIME TABLE FOR THE 4TH SEMESTER EXAMINATION.

P7. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER TO THE UNIVERSITY DATED 5-9-2014.

P8. TRUE COPY OF THE PROCEEDINGS OF THE UNIVERSITY DATED 28-4-2014.

P9. TRUE COPY OF THE REQUEST MADE BY THE PETITIONER ON 8-12-14 TO THE 1ST RESPONDENT TO PERMIT HIM TO TAKE RE-ADMISSION FOFR THE 4 SUBJECTS.

P10. TRUE COPY OF NOTICE DT. 10-12-14 REGARDING THE ACADEMIC AND EXAMINATION ADALAT TO BE HLD ON 30-12-14.

P11. TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 29-12-14.

//True Copy//

P.A. To Judge

K.VINOD CHANDRAN, J

W.P.(C).No. 850 of 2015

Dated 14th January, 2015

JUDGMENT

The petitioner is aggrieved with the refusal of the University to permit him to join the 3rd semester to obtain the required attendance in four subjects which are included in the syllabus of the 3rd semester. The present circumstance arose since the petitioner did not have the required attendance in the 3rd semester, when he was regularly admitted to the same; in four subjects. He was hence, not permitted to appear for the examinations in the said four subjects.

2. The petitioner was then promoted to the 4th semester since Regulations of the University permitted that. The petitioner has now completed the 4th semester also. He then sought for a re-admission in the 3rd semester

which application was directed to be considered in the Adalath as is seen in Ext.P10. However, even though the petitioner appeared in the Adalath, his request was declined.

3. The learned Standing Counsel for the University submits that the 3rd semester now carried on in the University, of the course in which the petitioner was a student, had commenced in October-2014 and the petitioner's 4th semester classes ended only on 21.11.2014 and the Viva voce of the said 4th semester was held only on 19.12.2014. The specific contention raised is that the petitioner cannot carry on studies in both the semesters simultaneously and hence, he was not allowed to commence the 3rd semester as per his application. The matter was hence, placed before the Adalath. Since the issue of whether the petitioner would have the required attendance, if he is admitted now in the 3rd semester, was doubtful. It was hence, the

petitioner was declined admission in the 3rd semester.

4. It is to be noticed that, if the petitioner is not permitted to attend the 3rd semester now, the petitioner would have to wait for another year for such re-admission. The petitioner contends that during November-2014, there were no classes and even if the petitioner is now admitted, the petitioner would be able to secure the required attendance in the four subjects in which he has not appeared in the 3rd semester examinations.

5. In the above circumstance, the University shall forthwith grant admission to the petitioner, not later than a week, on the further condition that if the petitioner is not able to obtain the required percentage of attendance in the four subjects for reason only of the delay in admission, the petitioner will

not be entitled to any equity and the petitioner cannot claim condonation only on the ground that his admission was delayed. The aforesaid condition is specifically made since this Court is of the opinion that the contention of the University, with respect to the simultaneous carrying on of two semesters, has to be upheld. On account of the petitioner having willingly taken the risk, the petitioner is permitted the admission as directed herein above. The percentage of attendance also would have to be computed with respect to the total periods in the respective subjects for the entire 3rd semester.

The writ petition disposed of. Parties are left to suffer their respective costs.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

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