

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. 918 of 2015 (L)

PETITIONER(S):

- 1. CHAKRAPANI. A., AGED 26 YEARS,
S/O.DAMODARAN. T., ALAKODE HOUSE,
PAKKAM P.O., PERIYA, KASARAGOD DISTRICT.**
- 2. SHANIL KURIAN, AGED 26 YEARS,
S/O.K.M. KURIAN, KUZHUVELIL HOUSE,
MALAKKALLU P.O., MALAKKALLU,
KASARAGOD DISTRICT.**

**BY ADVS.SRI.M.SASINDRAN,
SRI.S.SHYAM KUMAR.**

RESPONDENT(S):

- 1. THE REGISTRAR,
KANNUR UNIVERSITY, KANNUR UNIVERSITY CAMPUS P.O.,
MANGATTUPARAMBU, KANNUR DISTRICT-670 567,
REPRESENTED BY ITS REGISTRAR.**
- 2. THE VICE CHANCELLOR,
KANNUR UNIVERSITY, KANNUR UNIVERSITY CAMPUS P.O.,
MANGATTUPARAMBU, KANNUR DISTRICT-670 567.**
- 3. PEOPLE INSTITUTE OF MANAGEMENT STUDIES,
EMS AKSHARAGRAMAM, MUNNAD P.O, CHENGALA VIA.,
KASARAGOD-671 541- REPRESENTED BY ITS DIRECTOR.**

R1 & R2 BY ADV. SRI.V.A.MUHAMMED, SC.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21-01-2015, ALONG WITH WP(C).NO.2118 OF 2013, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:**

rs.

WP(C).No. 918 of 2015 (L)

APPENDIX

PETITIONER'S EXHIBITS:-

EXHIBIT-P1: A TRUE COPY OF THE MARK SHEET OF THE PETITIONER.

EXHIBIT-P2: A TRUE COPY OF THE MARK SHEET TO THE 2ND PETITIONER.

**EXHIBIT-P3: A TRUE COPY OF THE ORDER DATED 22.01.2013 IN
W.P.(C) NO.2118 OF 2013 ISSUED BY THIS HON'BLE COURT.**

**EXHIBIT-P4: A TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT
DATED 10.04.2013 IN W.P.(C) NO.9780 OF 2013.**

**EXHIBIT-P5: A TRUE COPY OF THE REPRESENTATION DATED 20.08.2013 MADE
BY THE 2ND PETITIONER BEFORE THE 2ND RESPONDENT.**

**EXHIBIT-P6: A TRUE COPY OF THE JUDGMENT OF THIS HON'BLE COURT IN
W.P.(C) NO.29526 OF 2012 DATED 29.01.2013.**

**EXHIBIT-P7: A TRUE COPY OF THE ORDER PASSED BY THE
FIRST RESPONDENT UNIVERSITY DATED 17.05.2013.**

RESPONDENT'S EXHIBITS:-

NIL.

//TRUE COPY//

P.A TO JUDGE

rs.

K.VINOD CHANDRAN, J

W.P.(C) Nos.918 & 2118 of 2015

Dated this the 21st day of January, 2015

JUDGMENT

Identical petitioners in both the above writ petitions seek for identical relief for rounding of their marks in the graduate qualification; upon which alone they would be qualified to be admitted to the two year MBA course of the respondent University.

2. Both the petitioners were admitted to the MBA course when they were not actually qualified in their graduate course for such admission. The essential qualification required for MBA course is a minimum 50% marks in the graduate examination. The petitioners admittedly did not have the required percentage of marks. Sri. Chakrapani.A had 49.16% and Sri.Shanil Kurian had 47.75% in the graduate examination.

3. The learned Standing Counsel for the University, however, points out that, according to the University, they

have respectively only 46.33% and 46.2%. In any event that dispute need not be gone into, because even looking at the marks claimed by the petitioners, they do not have the minimum requirement of 50%.

4. What is sought for is the rounding off the marks for which there is absolutely no regulation in the University. This Court has in **Lissy Cletus v. Mahatma Gandhi University** [2010(1)KLT 928] found that the principle of rounding off does not apply, when there is no enabling clause in the guidelines to round off the percentage. It is also to be noticed that looking at the marks claimed by the petitioners even if such a guideline was available, the petitioner would not be entitled to such rounding off since they have obtained less than 49.5% marks. The aforesaid view is further supported by the decision of the Hon'ble Supreme Court in **Registrar, Rajeev Gandhi University of Health Sciences v. Hemalatha** [2012(3) KLT S.N.134] (see No.139 Supreme Court).

5. The learned counsel for the petitioners would

contend that there has been instances in which such rounding-off was granted and the University may be directed to consider the same especially since the petitioners have completed the course and appeared at the examination. It is to be noticed that the continuance of the petitioners in the course and appearance in the examination was only by virtue of the interim orders of this Court. A direction to consider rounding-off, when no such guideline was available would perpetrate an illegality of regularising otherwise irregular admission. An invocation of the extraordinary power under Article 226, cannot be granted on misplaced sympathies and then it would fall outside the scope of equitable consideration (**K.S. Bhoir v. State of Maharashtra** [2001 (10) SCC 264], **Maharshi Dayanand v. Surjeet Kaur** [2010(7)SCALE 194]).

The writ petition stands dismissed.

Sd/-
K.VINOD CHANDRAN, J
JUDGE

smv

//true copy//

P.A to Judge