

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 9TH DAY OF APRIL 2015/19TH CHAITHRA, 1937

WP(C).No. 960 of 2015 (T)

PETITIONER(S):

**JAYAPRAKASH SIVAJI, AGED 28 YEARS
S/O.S.JAYAPRAKASH, SIVALAKSHMY, VENNICODE P.O.
VARKALA, THIRUVANANTHAPURAM - 695 318.**

BY ADV. JAYAPRAKASH SIVAJI (PARTY-IN-PERSON)

RESPONDENT(S)/RESPONDENTS:-:

- 1. THE UNIVERSITY OF KERALA
REPRESENTED BY ITS REGISTRAR, UNIVERSITY CAMPUS
THIRUVANANTHAPURAM - 695 001.**
- 2. THE UNIVERSITY INSTITUTE OF MANAGEMENT,
REPRESENTED BY ITS CHIEF COORDINATOR, SIVAGIRI
VARKALA, THIRUVANANTHAPURAM - 695 141.**
- 3. THE CONTROLLER OF EXAMINATION,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM - 695 001.**
- 4. THE HON'BLE KERALA LOKAYUKTHA,
THIRUVANANTHAPURAM - 695 001.**

**R4 BY ADV. SMT.RENU. D.P., SC, LOK AYUKTA
R BY SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. A TRUE COPY OF THE ORDER PASSED IN COMPLAINT NO.1767 OF 2012 DATED 29.05.2013 BY THE FOURTH RESPONDENT.
- EXHIBIT P2. A TRUE COPY OF THE FIRST SEMESTER MARK SHEET OF THE PETITIONER ISSUED DATED 01.03.2013.
- EXHIBIT P3. A TRUE COPY OF THE COMPLAINT OF THE PETITIONER REGISTERED AS COMPLAINT NO.849 OF 2013 DATED NIL.
- EXHIBIT P4. A TRUE COPY OF THE ORDER OF THE FOURTH RESPONDENT IN IA NO.749 OF 2013 IN COMPLAINT NO.849 OF 2013 DATED 10.07.2013.
- EXHIBIT P5. A TRUE COPY OF THE ORDER IN COMPLAINT NO.849 OF 2013 DATED 21.03.2014 BY THE FOURTH RESPONDENT.
- EXHIBIT P6. A TRUE COPY OF THE ORDER PASSED IN IA NO.1107 OF 2013 IN EXT P3 DATED 25.04.2014 BY THE FOURTH RESPONDENT.
- EXHIBIT P7. A TRUE COPY OF THE CONDUCT CERTIFICATE ISSUED TO THE PETITIONER BY THE SECOND RESPONDENT DATED 27.09.2013.
- EXHIBIT P8. A TRUE COPY OF THE ORDER OF THE FOURTH RESPONDENT DATED 25.06.2014 IN EXT.P3.
- EXHIBIT P9. A TRUE COPY OF THE IA NO.881 OF 2014 IN EXT.P3 DATED NIL.
- EXHIBIT P10. A TRUE COPY OF THE ORDER PASSED IN IA NO.881 OF 2014 IN COMPLAINT NO.849 OF 2013 DATED 22.07.2014 BY THE 4TH RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

// TRUE COPY //

PA to Judge

K. VINOD CHANDRAN, J.
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W.P.(C) No.960 of 2015 - T
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Dated this the 9th day of April, 2015

J U D G M E N T

The petitioner challenges Ext.P10 order of the Lok Ayukta, which refused the amendment sought, to the complaint filed by the petitioner, numbered as Complaint No.849/2013. The petitioner was a student of the two year M.B.A course for the academic year 2011-13 with the 2nd respondent, affiliated to the 1st respondent.

2. I have heard the petitioner in person and the learned Standing Counsel appearing for respondents 1 to 3 as also the learned Standing Counsel for the 4th respondent.

3. The petitioner was before the Lok Ayukta, the 4th respondent herein, with Complaint No.849/2013, seeking permission to attend the 4th semester classes, to direct the 1st respondent to provide the Continuous Assessment marks as also to interdict the respondents from the alleged

harassment perpetrated on the complainant.

4. It is evident that the complaint was filed pursuant to a memo issued by the University at Ext.P3 dated 13.06.2013. The said memo was issued on the basis of complaints received against the petitioner/student and the recommendation of the Syndicate directing that, the petitioner shall not enter the campus of the 2nd respondent without the permission of the Co-ordinator of the Centre. The petitioner in the complaint had also raised an allegation that marks are awarded on the basis of the contributions made to a fund, which was termed as HOPE fund and specific allegations were raised against the Co-ordinator of the Centre.

5. The Lok Ayukta by Ext.P4 dated 10.07.2013 permitted the petitioner to continue his studies, on the basis of which order, the petitioner was allowed to participate in the 4th semester classes. Subsequently, when the matter came up by Ext.P5 order dated 21.03.2014, the Lok Ayukta directed the then incumbent in the office of the

Co-ordinator, who is impleaded as the 4th respondent in the complaint, to carry out an enquiry into the allegations raised by the petitioner and directed filing of a report within three weeks. The Co-ordinator against whom allegations were raised; had been replaced by another, though not on the basis of the allegations raised by the petitioner.

6. Even before the report was placed on record, the petitioner was before the Lok Ayukta seeking for issuance of a Transfer Certificate, Course Certificate and the Conduct Certificate, as also refund of the caution deposit and the amounts remitted as HOPE fund. The Lok Ayukta recorded the specific undertaking of the Co-ordinator of the 2nd respondent as also the Head of the Department that, the Transfer Certificate, Course Certificate and Conduct Certificate would be issued. The complainant not being able to substantiate his contention that any amounts were paid to the "HOPE fund", it was found that, no direction can be issued on that count.

7. After the report was placed on record, the Lok

Ayukta considered and accepted the same as is seen from Ext.P8 order. On the question of remittance of HOPE fund, it was categorically found that, there was nothing to substantiate the contention that the petitioner had paid any amounts to such a fund. The notice issued for remittance to such fund was found to be dated 20.07.2011 and immediately thereafter, a further notification was made by the Head of the Department dated 29.07.2011, directing that no collection of HOPE fund would be made. The contentions regarding the collection of money illegally remained unsubstantiated.

8. The Lok Ayukta categorically found that the report of the Co-ordinator was not favourable to the complainant. The Lok Ayukta refused to sit in judgment of the report furnished by the Co-ordinator; rightly so. The complaint, but for the question of the allegations against the award of assessment marks, was closed. The said order was passed on 25.06.2014 and the petitioner did not seek to challenge the same. Subsequently, the petitioner filed an

application before the Lok Ayukta to amend the complaint insofar as including the allegations with respect to the 4th semester also. The amendment application is produced at Ext.P9. The impugned order is at Ext.P10.

9. The Lok Ayukta found that, the complaint having been closed in view of the order passed on 25.06.2014, a further amendment sought for is not called for. This Court does not find any infirmity in the said order. The challenge raised, in the writ petition is to quash Exts.P7 and P10. Ext.P7 is a Conduct Certificate issued, showing the conduct of the petitioner to be not satisfactory and Ext.P10 is the order of the Lok Ayukta rejecting the prayer for amendment. It is not for the Lok Ayukta or for this Court to look into the conduct of the petitioner nor is it possible since that can be certified only by his teachers in the institute in which the petitioner carried on his studies. The Conduct Certificate issued by the institute, in which the petitioner studied cannot be interfered with, solely on the specious premise of the allegations raised in a

complaint before the Lok Ayukta.

10. Further, even in the above writ petition Ext.P8 order of the Lok Ayukta dated 25.06.2014 is not challenged. This Court does not find any infirmity in the Lok Ayukta declining amendment of the complaint filed in the year 2013 to include subsequent events and allegations raised on the basis of such alleged incidents. The complaint itself was closed but for the issue of internal assessment. The petitioner cannot seek revival of the said complaint to agitate other issues, based on subsequent events, which are not germane to the period prior to the filing of the complaint.

The writ petition would stand dismissed. No costs.

**Sd/-
K. VINOD CHANDRAN,
JUDGE**

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P.A to Judge