

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

WP(C).No. 1020 of 2015 (B)

PETITIONER(S):

- 1. BASARIN BAL.K.B., AGED 25 YEARS
S/O.BALAKRISHNAN K.R., KOCHAPPILLIL HOUSE, ARAKKULAM
IDUKKI DISTRICT, PIN: 685 591.**
- 2. ARATHI.S., AGED 27 YEARS
D/O.K.K.SOMASHEKHARAN NAIR, KUNNEL HOUSE
CHEERANCHIRA P.O., CHANGANCHERRY, KOTTAYAM DISTRICT
PIN: 686 106.**

**BY ADVS.SRI.S.SREEKUMAR (SR.)
SRI.P.MARTIN JOSE
SRI.P.PRIJITH
SRI.THOMAS P.KURUVILLA**

RESPONDENT(S):

- 1. MAHATMA GANDHI UNIVERSITY
REPRESENTED BY ITS REGISTRAR, PRIYADARSHINI HILLS
ATHIRAMPUZHA P.O., KOTTAYAM, PIN: 686 562.**
- 2. THE CONTROLLER OF EXAMINATION,
MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS
ATHIRAMPUZHA P.O., KOTTAYAM, PIN: 686 562.**
- 3. THE VICE CHANCELLOR,
MAHATMA GANDHI UNIVERSITY
PRIYADARSHINI HILLS
ATHIRAMPUZHA P.O, KOTTAYAM, PIN: 686 562.**
- 4. THE PRINCIPAL,
INSTITUTE OF NURSING EDUCATION
SCHOOL OF MEDICAL EDUCATION, GANDHINAGAR
KOTTAYAM - 686 008.**

R1 -R 3 BY ADV. SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY MARK SHEET DATED 24/7/2014 ISSUED BY THE 2ND
RESPONDENT TO THE 1ST PETITIONER FOR THE 1ST YEAR M.SC NURSING
EXAMINATION**
- P2: TRUE COPY MARK SHEET DATED 24/7/2014 ISSUED BY THE 2ND
RESPONDENT TO THE 2ND PETITIONER FOR THE 1ST YEAR M.SC NURSING
EXAMINATION**
- P3: TRUE COPY MEMO DATED 7/11/2014 ISSUED BY THE 2ND RESPONDENT TO
THE 1ST PETITIONER**
- P4: TRUE COPY OF COURSE CERTIFICATE DATED 9/1/2015 ISSUED BY THE 4TH
RESPONDENT TO THE 1ST PETITIONER**
- P5: TRUE COPY OF COURSE CERTIFICATE DATED 9/1/2015 ISSUED BY THE 4TH
RESPONDENT TO THE 2ND PETITIONER**
- P6: TRUE COPY OF RELEVANT PORTION OF MALAYALA MANORAMA DAILY
DATED 7/1/2015.**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J

W.P(C) No.1020 of 2015

Dated this the 20th day of January, 2015

J U D G M E N T

The petitioners are aggrieved with the regulations of the University by which the petitioners are interdicted from appearing for the 2nd year examination without qualifying in the first year examination. The petitioners are more aggrieved insofar as the University would no longer be conducting the course M.Sc. Nursing, and hence they apprehend that no supplementary examinations would be held.

2. The brief facts to be noticed are that the petitioners were students of M.Sc Nursing, which commenced in the academic year 2012 and was to conclude in the academic year 2014. In December, 2013, the petitioners had appeared for the M.Sc

regular Nursing examination and failed in one of the subjects. An attempt made in the first supplementary examination held, also did not fructify. It is hence that the petitioners are now interdicted from the 2nd year examination, which is scheduled to be held on 30.01.2015.

3. The learned Standing Counsel for the University has filed a statement, in which it is specifically stated that the regulations provided for permitting appearance in the 2nd year examinations, only for those students who have qualified in the first year. It is trite that this Court would not issue directions to an academic body to go against its own regulations and in such a manner perpetrate on illegality. The prescription so made by University cannot be said to be arbitrary.

4. However, with respect to the apprehension of the petitioners that the University

has discontinued the course itself, the learned Standing Counsel submits that definitely there would be a supplementary examination held for the purpose of accommodating such students similarly situated as the petitioners, to complete the course. Definitely there cannot be any perpetual holding of examinations year after year, but, reasonable opportunity would have to be given to the students to qualify. That would have to be decided by the appropriate authority under the University.

In such circumstance, recording the submission of the University, the writ petition would stand dismissed. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge