

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. 1655 of 2015 (F)

PETITIONER :

**SREE LAKSHMY C.K.,
D/O.C.N.KARUNAKARAN, AGED 22 YEARS
CHERAMANGALATH HOUSE
PIRAVOM P.O., PIRAVOM.**

BY ADV. SRI.B.N.SHIV SANKAR

RESPONDENT(S) :

- 1. MANGALAM COLLEGE OF ENGINEERING
MANGALAM HILLS, ETTUMANOOR, KOTTAYAM
KERALA - 686631.**
- 2. MAHATMA GANDHI UNIVERSITY,
PRIYADARSHINI HILLS P.O., KOTTAYAM – 686560
REPRESENTED BY ITS REGISTRAR**
- 3. CONTROLLER OF EXAMINATION,
MAHATMA GANDHI UNIVERSITY, KOTTAYAM - 686 560.**

R2 & R3 BY ADV. SRI.VARUGHESE M.EASO, SC

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

Mn

...2/-

WP(C).No. 1655 of 2015 (F)

APPENDIX

PETITIONERS' EXHIBITS :

- EXT. P1- PHOTOCOPY OF NOTIFICATION ISSUED BY THE M.G.UNIVESITY
DATED 25.7.2014.**
- EXT. P2- PHOTOCOPY OF NOTIFICATION ISSUED BY M.G.UNIVERSITY DATED
26.5.2014.**
- EXT. P3- PHOTOCOPY OF THE MARK LIST, ISSUED BY THE 2ND RESPONDENT,
FOR SEMESTERS 1 TO 3 & 5 & 6 OF HER B.COM COURSE DATED
17.4.2012, 22.10.2012, 2.4.2013, 24.4.2013, 19.6.2014 RESPECTIVELY.**
- EXT. P4- PHOTOCOPY OF THE SCORE REPORT OF THE PETITIONER IN MAT
DATED 20.09.2014.**
- EXT. P5- PHOTOCOPY OF CONFIDENTIAL GRADE CARD OBTAINED FROM THE
M.G.UNIVERSITY DATED 15.11.2014.**
- EXT. P6- PHOTOCOPY OF IDENTITY CARD.**
- EXT. P7- PHOTOCOPY OF FEE RECEIPT DATED 21.6.2014 & 23.6.2014.**
- EXT. P8 PHOTOCOPY OF 4TH SEMESTER RESULT OF THE PETITIONER
PUBLISHED & THE FINAL RESULT OF THE PETITIONER IN ENGLISH
PUBLISHED IN THE WEBSITE OF THE 2ND RESPONDENT AS ON
17.12.2014.**

RESPONDENT(S)' ANNEXURES :

- ANNEXURE R2(a) COPY OF OFFICE CIRCULAR NO. AC.AI/3/2114/2008 DTD.
6.11.2008.**

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J

W.P(C) No.1655 of 2015

Dated this the 20th day of January, 2015

J U D G M E N T

The petitioner is a student of first year MBA course affiliated to the 2nd respondent University and conducted by the 1st respondent. The petitioner is aggrieved by the denial of permission to participate in the first semester examination. Admittedly, the petitioner completed her B.Com Degree having six semesters in the year 2014. However, the petitioner had to clear one paper of the 4th semester, which she appeared for in the supplementary examination held in 2014, the results of which were published only on 15.11.2014.

2. The petitioner, even before the results were published, was admitted to the 1st respondent College. The prospectus of the University calling for

admission to the MBA programmes conducted in various colleges affiliated to it, specifically fixed the date for closing of admission to the MBA programme on 05.09.2014. Considering the difficulties expressed by the students, the same was extended to 30.10.2014.

3. Even within the said period, admittedly, the petitioner did not obtain the mark list and produce it before the College. Nor did the petitioner apply for a confidential communication of marks to ensure verification of her eligibility before the cut-off-date i.e, 31.10.2014. In such circumstance, the admission can only be said to be irregular. Reliance placed by the University is on Annexure R2(a) Circular, which has been issued, following the principles laid down in the judgment of the Hon'ble Supreme Court in SLP(C) No.3569/2007(Mahatma Gandhi University v. Gis Jose and others). The said

circular, which has been issued to all the principals of affiliated colleges, specifically mandate that the admission to a candidate can be granted only after it is ensured that the applicant satisfies the eligibility criteria prescribed by the University. In such circumstance, the admission of the petitioner, can only be said to be one irregular and against the regulations at Annexure R2 (a). In such circumstance, writ petition would stand dismissed. No costs.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma //true copy//

P.A to Judge