

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 5TH DAY OF FEBRUARY 2015/16TH MAGHA, 1936

WP(C) .No. 7961 of 2009 (M)

PETITIONER(S) :

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1. THE PARALLEL COLLEGE ASSOCIATION STATE COMMITTEE,
REGISTER NO.506/06, BELL MOUTH BUILDING,
KURUPPAM ROAD, THRISSUR,
REPRESENTED BY THE STATE PRESIDENT SEKCHARAN ATHANIKKAL.
 2. THE PARALLEL COLLEGE ASSOCIATION
TRICHUR DISTRICT COMMITTEE,
3RD FLOOR, BELL MOUTH BUILDING, KURUPPAM ROAD,
THRISSUR REPRESENTED BY ITS SECRETARY C.J.DAVID.

BY ADVS.SRI.M.K.DAMODARAN (SR.)
SRI.P.K.VIJAYAMOHANAN
SRI.ALAN PAPALI
SRI.GILBERT GEORGE CORREYA
SRI.NISHIL.P.S.

RESPONDENT(S) :

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1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.
 2. THE UNIVERSITY OF CALICUT,
REPRESENTED BY ITS REGISTRAR,
CALICUT UNIVERSITY P.O-673 635, MALAPPURAM DISTRICT.
 3. THE VICE CHANCELLOR,
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY.P.O-673 635,
MALAPPURAM DISTRICT.

R2,R3 BY SRI.SANTHOSH MATHEW, SC, CALICUT UNIVERSITY
BY GOVERNMENT PLEADER V.K.RAFEEQ.
BY SRI.P.C.SASIDHARAN, SC, CALICUT UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) EXHIBITS :

- EXT.P1:- TRUE COPY OF THE BYELAWS OF THE 1ST PETITIONER ASSOCIATION.
- EXT.P2:- TRUE COPY OF MEMO NO. EA.II/1/MISC./99 DATED 18/12/2000.
- EXT.P3:- TRUE COPY OF THE MEMO NO. EA.II/4/2002/MISC. DATED 03/07/2003.
- EXT.P4:- TRUE COPY OF THE MEMO NO. EA.EA.II/1/MISC./99 DATED 18/12/2000.
- EXT.P5:- TRUE COPY OF THE MEMORANDUM OF MARK LIST IN RESPECT OF JAHFARALI T.H. OF THE FINAL YEAR B.COM DEGREE EXAMINATION MARCH/APRIL, 2004.
- EXT.P6:- TRUE COPY OF THE MARK LIST ISSUED TO SMT.MALINI M.P. OF HER FINAL YEAR B.COM DEGREE EXAMINATION MARCH/APRIL, 2007.
- EXT.P7:- TRUE COPY OF THE UNIVERSITY ORDER NO.GA1/E3/6792/04 DATED 28/06/2005.
- EXT.P8:- TRUE COPY OF THE QUESTION PAPER OF THE FIRST YEAR B.A./B.SC. DEGREE EXAMINATION (ENGLISH) APRIL/MAY, 2008 IN RESPECT OF REGULAR STUDENTS.
- EXT.P9:- TRUE COPY OF QUESTION PAPER OF THE FIRST YEAR B.A./B.SC. DEGREE EXAMINATION APRIL/MAY, 2008 PART I ENGLISH IN RESPECT OF PRIVATE/SCHOOL OF DISTANCE EDUCATION STUDENTS.
- EXT.P10:- TRUE COPY OF THE COMMUNICATION NO.EG1/GENERAL/2005 DATED 05/05/2007 FROM THE DEPUTY REGISTRAR OF THE 2ND RESPONDENT UNIVERSITY.
- EXT.P11:- TRUE COPY OF THE REPRESENTATION DATED 17/02/2009 SUBMITTED ON BEHALF OF THE 1ST PETITIONER ADDRESSED TO THE 3RD RESPONDENT.
- EXT.P12:- TRUE COPY OF THE REPORT AS APPEARED IN THE MALAYALA MANORARAM DATED 20/02/2009.
- EXT.P13:- TRUE COPY OF THE PRESS RELEASE OF THE UNIVERISTY AS APPEARED IN THE MATHRUBHOOMI DAILY DATED 22/02/2009.
- EXT.P14:- TRUE COPY OF THE MARKLIST OF MONICA THOMAS AT THE 1ST YEAR B.A. DEGREE EXAMINATION APRIL/MAY 2004.
- EXT.P15:- TRUE COPY OF MARKLIST OF MONICA THOMAS AT THE 2ND YEAR B.A. DEGREE EXAMINATION APRIL/MAY 2005.

RESPONDENTS' EXHIBITS :

NIL.

/true copy/

P.A.TO JUDGE

rvs/

K. Vinod Chandran, J.

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W.P.(C)No.7961 of 2009

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Dated this the 5th day of February, 2015.

JUDGMENT

1. Petitioner, an association of parallel colleges, who are imparting training to students admitted to the Distance Education Programme of the respondent University, has filed the above writ petition, claiming that, the curriculum for the Distance Education Programme, should be similar to that of the regular course. The specific contention raised by the University is that, regular courses carried on by the students under the University or in its affiliated colleges, is different from the distance education stream. Regular classes are conducted by teachers, whose appointments are made under the supervision of the University and the affiliated colleges too, are to follow the norms prescribed by the University, in imparting such training. The students, in the regular course, are also subjected to an internal assessment.

2. The students admitted to the Distance Education Programme under the University are not imparted such training by the University or the affiliated colleges. In fact, there is not even a prescription that, they should be imparted any training and the parallel colleges, on their own, admits students, who have enrolled under the Distance Education Stream and impart training to the students, over which, the respondent University has absolutely no control. The mere fact that the parallel colleges facilitates admission to the Distance Education Programme and impart training to the students to appear for the examinations, cannot be a reason for the University to follow the same syllabus with respect to the regular course and private study/distance education.
3. Essentially, it is to be noticed that, the private colleges are continuing an arrangement with the students and they are not, in any manner, connected with the University. The Association of parallel colleges would have no *locus standi* to file such a writ petition.

4. Further, in academic matters, the University has to prescribe its own standards and when distance education is proposed, the academic body of the University would be entitled to prescribe a different syllabus for the distance education programme, as distinguished from a regular course, taking into account the fact that the regular course students are subjected to a definite programme of study, as regulated by the University, while the Distance Education Programme, admits students, who have to study by themselves. To enable certification of such students, the University has provided for two additional examinations. In such circumstances, it would not be proper for this Court to interfere with a valid prescription made by the University, that too, in a writ petition filed by an Association, which has absolutely no *locus standi*. Writ petition would stand dismissed.

K. Vinod Chandran, Judge.

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