

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 1936

WP(C).No. 9094 of 2011 (J)

PETITIONER(S):

**MANSOOR ALI.P.C
P.O.KOOTTAYI, VIA. TIRUR, MALAPPURAM 676 562.**

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENT(S):

- 1. THE UNIVERSITY OF KANNUR AND ANOTHER
REPRESENTED BY ITS REGISTRAR, KANNUR UNIVERSITY
CAMPUS, KANNUR 670 567.**
- 2. THE CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF KANNUR, KANNUR UNIVERSITY CAMPUS
KANNUR-670 567.**

**R1-R2 BY ADVS. SRI.M.SASEENDRAN,SC,KANNUR UNIVERSITY
SRI.V.A.MUHAMMED, SC, KANNUR UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS

- EXHIBIT P1 : TRUE COPY OF THE RELEVANT PORTION OF THE RULES**
- EXHIBIT P2 : TRUE COPY OF THE MARK LIST**
- EXHIBIT P3 : TRUE COPY OF THE DEGREE CERTIFICATE**
- EXHIBIT P4 : TRUE COPY OF THE REQUEST OF THE PETITIONER TO 2ND RESPONDENT**
- EXHIBIT P5 : TRUE COPY OF THE ORDER REJECTING EXHIBIT P4**

RESPONDENT'S EXHIBITS

- ANNEXURE R1(A) TRUE COPY OF THE JUDGMENT IN W.P.(C) NO.14269 OF 2013-G DATED 8.10.2013**

//TRUE COPY//

P.A. TO JUDGE

JJJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 9094 of 2011

Dated this the 6th day of January, 2015

J U D G M E N T

The petitioner is aggrieved with the denial of first class to the petitioner which is on the ground of regulations preventing such conferment of a first class.

2. The admitted facts are that the petitioner joined the B.Tech course under the respondent University in the academic year 2004-2005. The course extends to four academic years and concludes in the academic year 2007-2008. The petitioner appeared and qualified in the examination only in the December 2009 supplementary examination, which was held in the sixth academic year from the academic year which the petitioner joined the course.

3. The regulations with respect of award of first class and the qualification itself is produced at Ext.P1, and those

relevant for consideration are clauses 12(ii) and 12(viii), which are extracted hereunder:

- “ii. A candidate who qualifies for the degree, passing all the subjects of eight semesters within five (four in the case of lateral entry student) academic years after the commencement of his/her course of study and secures not less than 60% of the aggregate of total marks of all semesters assigned to the university examinations and sessional evaluation together and not less than 55% separately for the university examinations shall be declared to have passed the B.Tech (Engineering) Degree Examination in First Class.
- viii. A candidate will be qualified for degree only if he/she completes the course and passes all the semester examinations within seven academic years (six academic years in the case of LES) since his/her admission to the course.”

4. Hence a candidate who is unable to qualify in the examinations within the course period, that is within four academic years, would be entitled to so appear in the qualifying examination for another three academic years, in which event the candidate would be held to have been qualified. However, for the grant of first class, the University has extended the concession only to one year beyond the course period ie, within five years.

5. The learned counsel for the petitioner contends that there is an anomaly in the regulation and the same is harsh insofar as the person who qualifies in the examination with more than 60% marks is denied the first class, which he is normally entitled to.

6. Primarily, this Court cannot interfere with the regulation of the University merely on the ground that the same works, to the detriment of certain students unless the regulations are so arbitrary, and works out injustice to the

students. As to the question of anomaly, there can be no anomaly found from the aforesaid regulations. An academic body is entitled to prescribe certain standards for qualifying in the examination and for award of certain distinctions.

7. The course period, in fact, is four years. The academic body prescribed that a person who qualifies one year after the course period also shall be granted a distinction, if such student acquires the necessary marks in the qualifying examination. However, for mere qualification, the academic body was liberal insofar as granting three subsequent chances after the course period for enabling a student to qualify in the examination to obtain the graduate degree. There can be no anomaly found in such prescription since it is within the exclusive premise of the academic body to prescribe such standards and provide for it by way of regulations.

8. This Court would not interfere in the academic matters as has been held in **Sruthi Rajagopal v. Mahatma Gandhi University - 2014 (2) KLT 945** on the feeble premise that a regulation works hardship to a particular candidate. Admittedly, the petitioner had an opportunity to qualify within the academic period and also within one year after the course period, in which event, on the petitioner acquiring the required marks, would be conferred with a distinction or first class. The petitioner not having qualified in accordance with the regulations, cannot now claim for conferment of first class which he is not entitled to under the regulation. The very same principle that has been followed in Ext.R1(a) is applicable here also.

The Writ Petition hence fails and is dismissed. No costs.

Sd/-
K.VINOD CHANDRAN,
JUDGE

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