

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 6393 of 2015 (Y)

PETITIONER :

BINU P. BASHEER, AGED 21 YEARS
S/O. BASHEER P.T., 1/1123, FORT COCHIN
KUNNUMPURAM, COCHIN-682001.

BY ADVS.SRI.P.SANJAY
SMT.A.PARVATHI MENON

RESPONDENT(S) :

1. THE REGISTRAR (SR AND E)
INDIRA GANDHI NATIONAL OPEN UNIVERSITY, MAIDAN GARHI
NEW DELHI-110068.
2. THE PRINCIPAL,
MUNNAR CATERING COLLEGE,
THACHANKERY HILLS, SOORYANELLI,
MUNNAR-685618.

R1 BY ADV. SRI.MOHANAKANNAN K., SC
R2 BY ADVS. SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN
SRI.V.S.SHIRAZ BAVA
SRI.JOSEPH KURIAN VALLAMATTAM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 08-04-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONERS' EXHIBITS :

- EXT.P1. TRUE COPY OF THE CURRENT GRADE CARD STATUS OF THE PETITIONER DATED 25-02-2015.
- EXT.P2. TRUE COPY OF THE PAPER FOR REVALUATION AND THE REVALUATION STATUS PUBLISHED DATED 20-12-13.
- EXT.P3. TRUE COPY OF THE MARKLIST OF THE PETITIONER ISSUED BY THE SECOND RESPONDENT COLLEGE.
- EXT.P4. TRUE COPY OF THE CERTIFICATE ISSUED BY THE FIRST RESPONDENT DATED 29-1-2015.
- EXT.P5. TRUE COPY OF THE CERTIFICATE DATED NIL.
- EXT.P6. TRUE COPY OF THE COURSE AND CONDUCT CERTIFICATE ISSUED BY THE SECOND RESPONDENT COLLEGE DATED 21-7-2014.
- EXT.P7. TRUE COPY OF THE OFFER LETTER ISSUED TO THE PETITIONER DATED 16-02-2015.
- EXT.P8. TRUE COPY OF THE MAIL DATED 18-2-2015.
- EXT.P9. TRUE COPY OF THE DEGREE CERTIFICATE REQUESTING TO THE 1ST RESPONDENT DATED 15-1-2015.
- EXT.P10. TRUE COPY OF THE APPLICATION FOR PROVISIONAL DEGREE CERTIFICATE DATED 15-1-2015.
- EXT.P11. TRUE COPY OF THE E-MAIL DATED 16-1-2015.
- EXT.P12. TRUE COPY OF THE RECEIPT DATED 16-01-2015.
- EXT.P13. TRUE COPY OF THE MAIL DATED 20-02-2015.
- EXT.P14. COPY OF THE LETTER DATED 09-7-2011.
- EXT.P15. COPY OF THE LETTER OF ADMISSION DATED 30-6-2011.
- EXT.P16. COPY OF THE LETTER DATED 17-2-2012.
- EXT.P16(a). COPY OF RECEIPT DATED 30-6-2011.
- EXT.P17. COPY OF THE CERTIFICATE DATED 21-7-14 ISSUED FOR COMPLETING INDUSTRIAL TRAINING.
- EXT.P18. COPY OF THE AFFIDAVIT DATED 30-3-2015.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J

W.P(C) No. 6393 of 2015

Dated this the 08th day of April, 2015

J U D G M E N T

The entire dispute arises since the petitioner who has completed the graduate course in hotel management from the 2nd respondent College affiliated to 1st respondent University is not issued with the degree certificate; either provisional or final. The petitioner has now obtained admission in a foreign University for the post graduate course and seeks expeditious issuance of the certificate.

2. The 2nd respondent College appears and contends that the entire course has been completed and the petitioner has also qualified in all the examinations. Both internals and externals are stipulated by the prospectus of the University. The petitioner has produced Ext.P1 and P2 grade cards status and revaluation results downloaded from the web site of the University which indicate that the entire course of the graduate study is completed

and that the petitioner is qualified in the same.

3. The first respondent University however, submits that one project which includes a viva voce has not till date been evaluated by the University. The delay caused is said to be for reason of the 2nd respondent College having not forwarded the project report. It is submitted that, the project report was received at the University only on 19.02.2015. The 2nd respondent College would assert that the project report along with the marks of the viva-voce conducted by the College was sent earlier and on the University informing the College that the same has not been received, a further copy of the same was send which is said to be received on 19.02.2015. The 3rd respondent College also contends that the viva-voce conducted at and by the college was as instructed by the University. However the University now asserts that such viva-voce has to be conducted by external examiners, not attached to the college, but deputed from the Regional Centre of the 1st respondent University; even as per the

regulations.

4. The fact remains that the petitioner who has completed the course is unable to get the certificate due to the delay caused either on the part of the 1st respondent University or the 2nd respondent College. In any event, since the petitioner's grievance would be mitigated insofar as expeditious holding of viva-voce this Court would not go into the conflicting contentions raised. Suffice it to direct the University, to complete the evaluation at least within a period of one month from today.

5. The University has filed an additional statement in which it is contended so:-

“The petitioner could complete the degree only if he completes BHYP-21 project with viva-voce. The project report of the said course was received by the University only on 19.02.2015. As per the University Rules that will be considered for June 2015 term end examination. The project report received in the

University has been processed and being forwarded to the External Examiner for evaluating the project and after getting the marks from him it will be forwarded to the Regional Centre concerned for conducting viva-voce. As soon as the report of the viva voce is received the same will be updated and the result of the BHYP 21 course will be declared and marks cards and grade cards will be released. It appears that the petitioner is a under mistaken impression that BHY-021 and BHYP-21 are one and the same. It is two different courses of BIHM (Bachelors Degree in Hotel Management) programme. Since there is delay in furnishing the project report by the petitioner and the college concerned to the University and the fact that the petitioner has not completed the course, the University is not in a position to issue degree

certificate to the petitioner as also a provisional certificate as prayed for by him.”

6. What remains as of now is evaluation of the project report by the External examiner, and on the evaluation results being forwarded; the Regional Centre concerned has to conduct the viva-voce. The same shall be expedited by the University and shall be completed at least within one month from the date of receipt of certified copy of this judgment. It is made clear that the entire process of evaluation and viva-voce shall be completed within the period specified and the petitioner shall be issued with the certificate at any rate within two weeks from the date of completion of the process; provided the petitioner qualifies.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

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P.A to Judge