

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 7TH DAY OF JANUARY 2015/17TH POUSHA, 1936

WP(C).No. 9725 of 2013 (M)

PETITIONER :

**PRIYANKA V.S.,
PADINJATTIL HOUSE,
VILAVOORKAL, MALAYAM P.O.
THIRUVANANTHAPUAM-695 571.**

**BY ADVS.SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU**

RESPONDENT(S) :

- 1. UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR, PALAYAM
THIRUVANANTHAPURAM-695 001.**
- 2. THE VICE CHANCELLOR,
UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM-695 001.**
- 3. CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF KERALA, PALAYAM
THIRUVANANTHAPURAM-695 001.**
- 4. PATTOM THANU PILLAI MEMORIAL COLLEGE OF EDUCATION,
REPRESENTED BY ITS PRINCIPAL, MARUTHOORKONAM
KOTTUKAL P.O., BALARAMAPURAM VIA.,
THIRUVANANTHAPURAM-695 501.**

**R1 TO R3 BY ADVS. SRI.BECHU KURIAN THOMAS, SC
SRI.GEORGE POONTHOTTAM, SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 9725 of 2013 (M)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT P1: TRUE COPY OF THE MARK LIST OF HER B.SC. DEGREE EXAMINATION.

EXHIBIT P2: TRUE COPY OF THE LETTER DATED 3.4.2013 ISSUED BY THE FIRST RESPONDENT REJECTING THE REQUEST FOR ELIGIBILITY CERTIFICATE.

EXHIBIT P3: TRUE COPY OF THE RELEVANT PORTION OF THE PROSPECTUS SHOWING THE CRITERIA FOR ELIGIBILITY FOR ADMISSION.

EXHIBIT P4: TRUE COPY OF THE ELIGIBILITY CERTIFICATE ISSUED IN RESPECT OF SRI.SANTHOSH KUMAR K.L. RECOGNIZING B.C.A.(VOCATIONAL) DEGREE AS AN ELIGIBLE QUALIFICATION FOR ADMISSION TO B.ED. DEGREE COURSE IN MATHEMATICS.

EXHIBIT P5: TRUE COPY OF THE REQUEST GIVEN TO THE 2ND RESPONDENT DATED 3.4.2013.

EXHIBIT P6: COPY OF THE SCHEME AND SYLLABUS OF THE BCA (VOCATIONAL) DEGREE COUSE CONDUCTED BY KERALA UNIVERSITY.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

K. VINOD CHANDRAN, J

W.P(C) No.9725 of 2013

Dated this the 07th day of January, 2015

J U D G M E N T

The petitioner is aggrieved with the rejection of the petitioner's eligibility to appear and prosecute the B.Ed (Mathematics) course. The petitioner had obtained B.Sc Degree in Computer Science from the University of Kerala, the marklists of which are produced as Ext.P1 series. On the petitioner applying for admission to the B.Ed degree in Mathematics the same was declined by Ext.P2 communication, since the petitioners graduate qualification was found to be not eligible to be considered for such admission.

2. The petitioner's contention is that going by Ext.P3, B.Sc (Computer Science) is a specialised course, which is eligible qualification for consideration of admission to B.Ed (Mathematics). The petitioner also has a contention that BCA (Vocational) Degree in Computer Application conducted by the very same University is deemed an eligible qualification for admission to B.Ed (Mathematics); which course stands on the same footing and is similar to B.Sc Degree in Computer Science.

3. Initially when the petitioner had moved this Court , the petitioner was directed to be participated in the examination, since this Court prima facie found that the scheme and syllabus of the Computer application course in the vocational stream is similar to that revealed from the mark lists of the B.Sc Course taken by the petitioner. The interim order being provisional, definitely, the publication of results and the petitioners eligibility would depend upon the result of the writ petition.

4. The learned Standing Counsel for the University has filed a counter affidavit rejecting the contention of eligibility to the “B.Sc Degree course in Computer Science” for consideration for admission to B.Ed degree in (Mathematics). The similarity pointed out with respect to the B.Sc (Computer Science) course and BCA Vocational Degree has also been seriously assailed by the University. The counter affidavit discloses that, as far as the BCA (Vocational) Degree is concerned, Mathematics and Statistics are subsidiary papers and the course being in the vocational stream would be eligible for consideration under Clause 5.2.1

(iii) of the prospectus produced at Ext.P3. The learned counsel also emphasises that students of the vocational course are examined in Mathematics and Statistics, for a total of 600 marks out of a grand total of 1900. Ext.P1 series of mark lists would indicate that Mathematics and Statistics are neither the main subject nor the subsidiary subjects in B.Sc (Computer Science) course, the students in the said course are only examined in mathematics for 200 marks and statistics for 100 marks out of a grand total of 1800. The University however, admits that the B.Sc Degree course, which the petitioner had availed of, is a specialised course, and eligibility certificates would have to be obtained from the University as provided in the prospectus.

5. It is to be noticed that with respect to the BCA course in the vocational stream, Ext.P4 has been issued by the University. However, the petitioner asserts that the Academic Council has not taken a decision even with respect to that subject till this date and admissions are being carried out in B.Ed Mathematics considering the BCA Vocational Degree as an eligible qualification. In any event, if the Academic

Counsel has not ratified, even the BCA course as an eligible qualification, definitely the petitioner would not have any sustainable claim with respect to her qualification in B.Sc (Computer Science).

6. It is also to be noticed that Ext.P2 is not a decision of the Academic Council as such. The petitioner in the writ petition avers that she has filed an application before the University for consideration of eligibility by the Academic Council. It is trite that in academic matters, this Court would not meddle with the decisions of a competent body as constituted by the Statute; especially since this Court has no expertise in such matters. Looking at the totality of the circumstances, as also the fact that the petitioner has now completed the B.Ed Degree course, it is only proper that the University place the matter before the Academic Council in the next session and a decision taken on that count after looking at whether the BCA Vocational Degree Course is entitled to be considered as eligible qualification for B.Ed (Mathematics); also comparing the respective syllabi of the two courses. The publication of the results shall depend upon

the decision of the Academic Council. To facilitate the University to place the issue before the Academic Council, the petitioner shall place before the University an application along with the syllabi of the respective courses and a certified copy of this judgment within a period of one month from today.

Writ petition is disposed of.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge