

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 18TH DAY OF AUGUST 2015/27TH SRAVANA, 1937

WP(C).No. 7467 of 2015 (G)

PETITIONER(S):

**ABDUL KAREEM C.A., AGED 20 YEARS,
S/O.ABDUL RAHMAN, CHITTIYATHIL HOUSE,
THURUTH, ALUVA, ERNAKULAM DISTRICT.**

BY ADV. SMT.K.M.RASHMI (PARAVOOR)

RESPONDENT(S):

- 1. THE CONTROLLER OF EXAMINATIONS,
MAHATHMA GANDHI UNIVERSITY,
KOTTAYAM, PIN - 683 012.**
- 2. THE REGISTRAR,
MAHATHMA GANDHI UNIVERSITY,
KOTTAYAM, PIN - 683 012.**

BY ADV. SRI.VARUGHESE M.EASO, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
18-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 7467 of 2015 (G)

APPENDIX

PETITIONER(S)' EXHIBITS:

**EXT.P1: TRUE COPY OF THE DISABILITY CERTIFICATE ISSUED BY MEDICAL BOARD,
ERNAKULAM.**

**EXT.P2: TRUE COPY OF THE SANCTION ISSUED BY THE 1ST RESPONDENT
DTD.4.4.2013.**

**EXT.P3: TRUE COPY OF THE LETTER NO.CBCSS IV/3/MALPRACTICE/BLIND/2013
DTD.15.10.2013.**

EXT.P4: TRUE COPY OF THE REPLY DTD.19.12.2013.

EXT.P5: TRUE COPY OF THE REPLY DTD.24.1.2014.

EXT.P6: TRUE COPY OF RECEIPT NO.110271 DTD.17.3.2014.

EXT.P7: TRUE COPY OF THE REPRESENTATION DTD.18.3.2014.

EXT.P8: TRUE COPY OF THE SHOW CAUSE MEMO DTD.24.3.2014.

EXT.P9: TRUE COPY OF THE REPRESENTATION DTD.18.3.2014.

EXT.P10: TRUE COPY OF THE REPRESENTATION DTD.3.4.2014.

EXT.P11: TRUE COPY OF THE INTERIM ORDER DTD.22.4.2014 IN WP(C) 11250/2014.

EXT.P12: TRUE COPY OF THE ORDER DTD.17.10.2014 IN WP(C) 11250/2014

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msv/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 7467 of 2015

Dated this the 18th day of August, 2015

J U D G M E N T

The petitioner alleges that he is a 90% blind student doing B.A. Economics, Semester VI at Maharaja's College, Ernakulam. His result in respect of the IInd semester examination, which was held in April, 2013, is withheld alleging malpractice. The petitioner wrote the said examination with the help of a scribe allotted on the spot by the college authorities. According to him, he learns the subjects from lectures and audio tapes and has no capacity to copy the answers from any source. Though he gave several explanations in the matter, till date no action is taken. He further alleges that he could not appear for IIIrd semester examinations due to the inaction of the respondents and he appeared for the IV, V and the supplementary of IIIrd semester examinations obtaining provisional orders from this Court. Hence, the petitioner

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has approached this Court to quash Ext.P8 and to allow the petitioner to appear for the VI semester examinations.

2. Heard the petitioner and the learned Standing Counsel for the respondent university.

3. This Court, by interim order dated 11.03.2015, permitted the petitioner to appear for the VIth semester examinations, which was scheduled to be held on 13.03.2015 with a scribe; and it was also made clear that the same would be subject to the final outcome of the writ petition. On the basis of the said interim order, the petitioner has taken the examination.

4. On the question of the alleged malpractice committed by the petitioner in the second semester examination, an enquiry was conducted; and an order was passed by the respondent university dated 31.03.2015. Referring to the report submitted by the enquiry officer, the following recommendations are made;

“1. Strict warning to the college authorities to be more careful and committed in the conduct of examinations.

2. Both the candidates, Jerry P.Y and Abdul Kareem C.A may appear for coming University examinations. They

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shall reappear for the suspected malpractice paper Musings on Vital Issues'.

3. University has to pay more attention on the conduct of examinations of differently abled students in future. The examination wing need be alerted in this regard."

The said enquiry report was placed before the syndicate; and the syndicate, in its meeting held on 28.02.2015, has resolved to accept the enquiry report; and subsequently, the petitioner was permitted to appear for the second semester examination; and he has taken the said examination.

5. The learned counsel for the petitioner submits that now, the results of the examination taken by the petitioner is withheld only on account of the pendency of the writ petition.

6. As the enquiry has been culminated in an order passed by the respondent university on the basis of the decision of the syndicate, this Court is of the view that the writ petition can be disposed of directing the respondent university to announce the results of the examination already taken by the petitioner.

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Therefore, the writ petition is disposed of directing the respondent university to announce the results of the examination taken by the petitioner and to issue consequential mark list within a period of 45 days from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-