

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 1ST DAY OF APRIL 2015/11TH CHAITHRA, 1937

WP(C).No. 7843 of 2015 (E)

PETITIONER(S):

- 1. SHAMNAD. N.S.,
6TH SEMESTER STUDENT, CE BRANCH,
UKF COLLEGE OF ENGINEERING & TECHNOLOGY, PARIPPALLY,
KOLLAM DISTRICT, RESIDING AT SHAMEER VILLA,
EZHIPPURAM, THIRUVANANTHAPURAM DISTRICT.**
- 2. SAJEERUDEEN. S., S/O.SALIM, AGED 23 YEARS,
6TH SEMESTER STUDENT, CE BRANCH,
UKF COLLEGE OF ENGINEERING & TECHNOLOGY, PARIPPALLY,
KOLLAM DISTRICT, RESIDING AT PUTHENPURAKKETHIL,
MKRA 59, THIRUMULLAVARAM P.O., KOLLAM.**

**BY DR.K.P.SATHEESAN, SENIOR ADVOCATE.
ADVS. SRI.M.R.JAYAPRASAD,
SRI.P.MOHANDAS (ERNAKULAM),
SRI.ANOOP.V.NAIR.**

RESPONDENT(S):

- 1. KERALA UNIVERSITY,
THIRUVANANTHAPURAM, PIN- 695 001,
REPRESENTED BY ITS REGISTRAR.**
- 2. THE CONTROLLER OF EXAMINATIONS,
KERALA UNIVERSITY, THIRUVANANTHAPURAM, PIN -695 001.**
- 3. THE PRINCIPAL,
UKF COLLEGE OF ENGINEERING & TECHNOLOGY,
MEENARAMBALAM, PUTHENKULAM (P.O.), VIA- PARIPPALLY,
KOLLAM DISTRICT, PIN- 691 302.**

**R1 & R2 BY ADV. SRI.BECHU KURIAN THOMAS, SC.
R3 BY ADV. SRI.C.R.SIVAKUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01-04-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXHIBIT-P1: TRUE COPY OF THE SUSPENSION ORDER DATED 11.02.2015 PASSED BY THE 3RD RESPONDENT, ISSUED TO THE 1ST PETITIONER.
- EXHIBIT-P2: TRUE COPY OF THE SUSPENSION ORDER DATED 11.02.2015 PASSED BY THE 3RD RESPONDENT, ISSUED TO THE 2ND PETITIONER.
- EXHIBIT-P3: TRUE COPY OF THE LETTER SUBMITTED BY THE SAID JOSIN GEORGE AND MONITH MONITH MOHAN, S4 STUDENTS, ME BRANCH.
- EXHIBIT-P4: TRUE COPY OF RELEVANT PAGES OF THE RULES AND REGULATIONS OF THE COLLEGE.
- EXHIBIT-P5: TRUE COPY OF REPRESENTATION DATED 07.03.2015 SUBMITTED TO THE 3RD RESPONDENT.
- EXHIBIT-P6: TRUE COPY OF REPRESENTATION DATED 07.03.2015 SUBMITTED TO THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS:-

- | | |
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| EXT.R3A | COPY OF THE COMPLAINT SUBMITTED BY THE INJURED DATED 11/02/2015. |
| EXT.R3B & R3C | COPY OF THE MEMO DATED 09/10/2014 ISSUED AGAINST THE PETITIONERS. |
| EXT.R3D & R3E | COPY OF THE APOLOGY LETTERS TENDERED BY THE PETITIONERS DATED 09/10/2014. |
| EXT.R3F & R3G | COPY OF THE MEMO'S ISSUED ON 07/03/2015. |

//TRUE COPY//

P.S. TO JUDGE

rs.

K. Vinod Chandran, J.

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W.P.(C)No.7843 of 2015

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Dated this the 1st day of April, 2015.

JUDGMENT

1. Petitioners are the sixth semester students who have been proceeded against for mis-conduct and suspended in the meanwhile. Petitioners in the writ petition challenge the suspension orders at Exts.P1 and P2. In any event, subsequently, the college has conducted an enquiry, in which the petitioners have participated and Exts.R3(f) and R3(g) were passed, directing that, the petitioners would be allowed to continue the course only if they clear at least 50% of the arrear papers in the 1st, 2nd, 3rd and 4th semesters.
2. The indicent occurred with respect to an altercation among the 6th and 4th semester students at the entrance of the college.

Petitioners contend that it was outside the campus. In any event, the incident is admitted and there was a physical assault on the fourth semester students by the petitioners. Petitioners are also said to be consistent trouble makers, as has been revealed in the counter affidavit of the respondent college wherein earlier proceedings taken as Exts.R3(c) and R3(e) are produced. Petitioners had undertaken that no such incident would be repeated and was re-admitted to the college.

3. In the circumstances above noticed, this Court is not inclined to interfere with the suspension order or the final order passed by the college authorities under Exts.R3(f) and R3(g). All the more, Exts.R3(f) and R3(g) are not challenged herein. It is submitted by the learned counsel for the respondent college that the petitioners have not cleared any of the papers in the first four semesters. Admittedly, the Regulations of the University

indicate that a student can register for the sixth semester University examination, only if he/she has passed in the combined first and second semester examinations. In such circumstance, there is no reason why the petitioners should be permitted to attend the course. However, the petitioners shall be permitted to appear for the supplementary examinations and any application filed shall be duly forwarded to the University.

Writ petition is disposed off.

K. Vinod Chandran, Judge.

sl.