

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 8779 of 2015 (V)

PETITIONER(S):

**NASSARUDEEN. R.,
5B, COOL BREEZE APARTMENTS,
FAVOURITE HOMES, NALANCHIRA,
TRIVANDRUM - 15.**

**BY ADVS.SRI.M.ZIYAD,
SRI.SANU.S.PANICKER.**

RESPONDENTS:

- 1. THE PRINCIPAL,
GOVERNMENT MEDICAL COLLEGE,
TRIVANDRUM DISTRICT - 695 011.**
- 2. THE HEAD OF DEPARTMENT (PHARMACEUTICAL - CHEMISTRY),
GOVERNMENT MEDICAL COLLEGE,
THIRUVANANTHAPURAM - 695 011.**
- 3. THE REGISTRAR,
KERALA UNIVERSITY OF HEALTH SCIENCES,
THRISSUR - 680 001.**

**R1 & R2 BY GOVT. PLEADER SMT ANITHA RAVINDRAN.
R3 BY ADV. SRI.P.SREEKUMAR, SC.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17-07-2015, THE COURT ON 22/07/2015 DELIVERED THE
FOLLOWING:**

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1: TRUE COPY OF THE TRANSFER CERTIFICATE DATED 07/08/2014 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
- EXT.P2: TRUE COPY OF THE COURSE AND CONDUCT CERTIFICATE DATED 07/08/2014 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
- EXT.P3: TRUE COPY OF THE CERTIFICATE ISSUED BY THE RESPONDENT COLLEGE DATED 08/03/2012.
- EXT.P4: TRUE COPY OF THE NOTIFICATION DATED 08/10/2014 CONTROLLER OF EXAMINATIONS, KERALA UNIVERSITY OF HEALTH SCIENCE, THRISSUR.
- EXT.P5: TRUE COPY OF THE REPRESENTATION DATED 01/10/2014 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P6: TRUE COPY OF THE REPRESENTATION DATED 18/10/2014 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT.P7 COPY OF THE MARK LIST ISSUED TO THE PETITIONER BY THE UNIVERSITY FOR M.PHARM PART 1 (REGULAR)- PHARMACEUTICAL CHEMISTRY EXAMINATIONS-2011.
- EXT.P8 COPY OF THE MARK LIST ISSUED TO THE PETITIONER BY THE UNIVERSITY FOR M.PHARM PART 1 (SUPPLEMENTARY) PHARMACEUTICAL CHEMISTRY EXAMINATIONS 2011.
- EXT.P9 COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER FOR APPROVAL OF THE SUBJECT FOR THE DISSERTATION.
- EXT.P10 COPY OF THE APPROVAL SHOWN IN THE WEBSITE.
- EXT.P11 COPY OF THE NOTIFICATION NO.KUHS/EX-III/1/M. PHARM PART II (S)/MARCH 2015 DATED 27/02/2015.
- EXT.P12 COPY OF THE REGULATION, CURRICULUM AND SYLLABUS OF M.PHARM COURSE.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

PA. TO JUDGE

rs.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 8779 of 2015

Dated this the 22nd day of July, 2015

J U D G M E N T

In this writ petition, the petitioner is seeking a direction against the 2nd respondent to accept the dissertation submitted by the petitioner after completing M.Pharm on the ground that the petitioner has obtained Transfer Certificate from the college and has joined in another M.Pharm Course under the same college.

2. The petitioner alleges that he is a M.Pharm student. He was admitted to the M.Pharm Course in Pharmaceutical - Chemistry on 28.01.2012 in the 1st respondent college during 2012-2014. The academic year of the course completed on 31.01.2014. Thereafter, the petitioner has obtained Ext.P1 Transfer Certificate for joining in another M.Pharm. Course in Pharmacology under the 1st respondent college; and he obtained admission in another M.Pharm. Course in the subject of

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Pharmacology. The petitioner alleges that when he submitted his dissertation as per Ext.P4 notification, the 2nd respondent was not inclined to accept it on the ground that the petitioner has already obtained Transfer Certificate from the college and joined in another course; and hence, his dissertation would not be accepted. According to the petitioner, the refusal on the part of the 2nd respondent in not accepting the dissertation is illegal, arbitrary and mala fide one. According to him, he passed all his examination; and if the dissertation is not accepted, he would be put to serious injury and damage, which cannot be compensated in any manner. Since the petitioner hails from very poor family, he completed his course by availing education loan from the bank, which is evidenced from Ext.P3; it is alleged. According to him, the action of the 2nd respondent is not justified in any manner. Hence, this writ petition.

3. In the statement filed by the 3rd respondent University, it is stated that the averments made in the

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writ petition regarding the petitioner's admission are correct except the claim that he passed all the examinations in respect of M.Pharm Pharmaceutical Chemistry. According to them, the petitioner appeared in the 1st year examination only; and his course commenced in 2012, which was of two years duration; and the study is of annual system that includes M.Pharm Part I, extending 12 months from the commencement of the academic term and M.Pharm Part II is also of 12 months duration. Only those candidates, who have registered for M.Pharm I, will be eligible for admission to M.Pharm Part II course and the thesis of M.Pharm Part II is to be submitted one month prior to the examination; according to them. The petitioner, on completion of the M.Pharm Part I course, registered for the regular examination held in February 2013 and his register number was 113310026. He failed in two papers and he registered for the supplementary examination in September 2013. As he could not clear the two papers in the said examination, he appeared in

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the examination held in March 2014 and cleared the papers. They contended that he did not register for the M.Pharm Part II examination till date and the averments in the writ petition reveal that he got his Transfer Certificate from the college and joined another course in M.Pharm. They point out that the petitioner, who did not even register for the M.Pharm Part II examination, averred in the writ petition that he passed all the examination and he was waiting for the notification from the university to submit his thesis. According to them, the petitioner had to submit his thesis in the 2nd year prior to M.Pharm Part II examination if he had passed in the M.Pharm Part I examination in time. As the submission of the thesis is a part of M.Pharm Part II course, the petitioner cannot contend that the 2nd respondent should have accepted his thesis after he received his Transfer Certificate from the particular course. They have taken the stand that once the Transfer Certificate was received, the relationship of the student with the college is severed

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and he cannot contend that the 2nd respondent is duty bound to receive the thesis as the Head of the Department.

4. Arguments have been heard.

5. According to the learned counsel for the petitioner, the petitioner had already completed his course and passed all his examinations. The academic year of the course was over on 31.01.2014; and the petitioner was waiting for Ext.P4 notification for submitting his dissertation. According to the learned counsel for the petitioner, after the completion of the course on 31.01.2014, the petitioner had obtained admission in another course under the 1st respondent and joined the course only on 31.07.2014. According to him, since the academic year for a particular course is over, the petitioner is entitled to continue his studies in another course. Therefore, according to the petitioner, the refusal on the part of the 2nd respondent to accept the dissertation submitted by the petitioner is illegal.

6. The respondent university has no quarrel against the petitioner's joining for another course on completing the same. However, it is crucial to note that the petitioner has obtained Transfer Certificate before the time for submission of dissertation; and on account of the said fact, he ceased to be a student under the 1st respondent. The intention of providing a Transfer Certificate from the institution and its production for admission is insisted to prevent the students from continuing studies in two courses at a time. Here, the petitioner did not submit his thesis, which is a part of M.Pharm Part II Course, though it was strenuously argued by the learned counsel for the petitioner that the petitioner could register for M.Pharm Part II Course only after the acceptance of the dissertation by the college. It is crucial to note that his status as on today as per the university records, is as a student of M.Pharm Pharmacology for the 2014-16 batch; and his registration with the university is pending for the reason of non

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submission of certificate from the council. It is not possible for the respondent university to permit the petitioner to pursue his studies for two courses at a time. The petitioner, who is aware of the fact that he could not complete the M.Pharm Part I examination in time and that he is likely to loose one year, choose the option of joining another course risking the chances of his discontinuation of the former course. The petitioner alone is to be blamed for his acts and he cannot be given the benefit of simultaneously appearing in the M.Pharm Part II in Pharmaceutical Chemistry and M.Pharm Part I in Pharmacology in the same academic year.

On a consideration of the entire materials now placed on record, this Court is of the view that the petitioner not entitled to get the relief as prayed for. Therefore, the writ petition fails; and accordingly, it is dismissed.

Sd/-

A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-