

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 7TH DAY OF APRIL 2015/17TH CHAITHRA, 1937

WP(C).No. 9444 of 2015 (E)

PETITIONER :

**FOUSI.M.S.,
1ST SEMESTER M.TECH DEGREE (COMPUTER AIDED
STRUCTURAL ENGINEERING) STUDENT,
SREE BUDDHA COLLEGE OF ENGINEERING FOR WOMEN,
AYATHIL, ELAVUMTHITTA P.O, PATHANAMTHITTA,
RESIDING AT JAS MAHAL, KUNNIKKODE P.O.,
KOLLAM DISTRICT.**

**BY ADVS.SRI.P.C.SASIDHARAN
SRI.ARAVINDA KUMAR BABU T.K.**

RESPONDENT(S):

- 1. THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY ITS REGISTRAR, P.D.HILLS,
ATHIRAMPUZHA P.O, KOTTAYAM -686 562**
- 2. THE SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM -695 001**
- 3. SREE BUDDHA COLLEGE OF ENGINEERING FOR WOMEN,
AYATHIL, ELAVUMTHITTA P.O, PATHANAMTHITTA- 689 625**

**R1 BY STANDING COUNSEL SRI.VARUGHESE M.EASO
R2 BY GOVERNMENT PLEADER SRI.R.RANJITH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-04-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 9444 of 2015 (E)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT. P1: TRUE COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT
 GRANTING AFFILIATION FOR COMMENCING M.TECH DEGREE
 (COMPUTER AIDED STRUCTURAL ENGINEERING) COURSE.**
- EXT. P2: TRUE COPY OF THE CONFIDENTIAL MARKS FORWARDED BY THE
 UNIVERSITY TO THE 3RD RESPONDENT.**
- EXT. P3: TRUE COPY OF THE LETTER**

RESPONDENT(S)' EXHIBITS AND ANNEXURES:

- ANNEXURE R1(A): COPY OF THE LETTER NO.T2/15051/14/DTE DATED 30/10/2014 BY
 THE DIRECTORATE OF TECHNICAL EDUCATION,
 THIRUVANANTHAPURAM.**
- ANNEXURE R1(B): COPY OF THE CIRCULAR NO.AC.A1/3/2114/2008 DATED 6/11/2008
 BY THE MAHATMA GANDHI UNIVERSITY.**

/TRUE COPY/

P.S.TO JUDGE

sts

K. Vinod Chandran, J.

W.P(C) No.9444 of 2015-E

Dated this the 07th day of April, 2015

JUDGMENT

The petitioner is aggrieved with the non-consideration of the application by the 3rd respondent-College, filed before the University, evidenced at Exhibit P3 for allowing the 3rd respondent to participate in the examination of the M.Tech. Course, to which the petitioner admittedly was admitted in December, 2014.

2. The brief facts to be noticed are that, the petitioner completed her B.Tech in April, 2014. She had pending one paper in the 3rd semester of the B.Tech. Course, which definitely was a pending paper from the 2nd year of the course. The graduate course in B.Tech has eight semesters and in the subsequent years the petitioner would have appeared for the supplementary examinations of the said 3rd semester and would not have qualified. In any event, even after completion of the 8th semester of B.Tech course, the petitioner remained unqualified in the 3rd semester paper. The petitioner is said to have appeared for the supplementary examination, which was scheduled in September, 2014, i.e., after the academic year 2014-15 commenced.

3. Subsequently, the University is said to have sanctioned affiliation for M.Tech course in the 3rd respondent-College on 11.11.2014. Pursuant to the notification issued by the 3rd respondent-College, the petitioner is said to have applied for the same and got admission to the said course, allegedly in November, 2014. The 3rd respondent-College also sought for issuance of confidential mark-list from the University of Kerala on 12.11.2014, which was issued by Exhibit P2 dated 10.12.2014. As per Exhibit P2, the petitioner is said to have qualified in the 3rd semester examination of the B.Tech course. However, the fact remains that the petitioner was admitted after the last date prescribed for admission to the M.Tech course as notified by the Director of Technical Education, who is not made a party herein.

4. The 3rd respondent-University has filed a statement, in which Annexure R1(a) by the Director of Technical Education is produced. The Director of Technical Education had approved the prospectus for M.Tech admission, 2014 prescribing the last date for admission as 30.11.2014, to enable candidates who are awaiting results, to submit qualifying certificates. The date fixed for submitting the qualifying certificates was 30.09.2014, which was extended upto 31.10.2014 and then again extended upto 30.11.2014.

5. Specific reliance has been placed by the petitioner on Annexure R1(a) to indicate that the extensions were effected only because the Universities had not published the supplementary results in time. Even in the case of the petitioner, there is a supplementary examination result pending when the admission was made which, subsequently she is said to have qualified.

6. Essentially it is to be noticed that Annexure R1(a) stipulated the last date to be 30.11.2014 and no further extension having been granted, there could be no extension granted by this Court under Article 226 of the Constitution. Though the petitioner claims that the petitioner was granted admission after affiliation was received by the 3rd respondent-College, the date of affiliation is absolutely irrelevant insofar as considering the claim of the petitioner for admission to the course. As was noticed earlier, the petitioner had a pending paper from the 3rd semester and the supplementary examination to which itself was scheduled only on September, 2014. The confidential mark list issued also was not received prior to the last date prescribed by the Director of Technical Education. In such circumstance, the admission made by the 3rd respondent can only be found to be one made irregularly after the date prescribed by the Director of Technical Education as accepted by the University.

Annexure R1(b) is a Circular issued by the respondent-University to all concerned Colleges to scrupulously comply with the regulations and not to make any irregular admissions of candidates who are not qualified and who have not produced the qualifying certificates prior to the last date of admission prescribed. The last date prescribed is to ensure that the students have a minimum preparation for the course and mere participation in examinations is the sole criteria, especially in a professional post-graduate course. In such circumstances, no equity can be extended to the petitioner.

The writ petition would stand dismissed. The parties to bear their respective costs.

Sd/-
K. Vinod Chandran,
Judge

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[true copy]