

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. 11157 of 2015 (T)

PETITIONER(S):

YATHIKUMAR.M, AGED 23 YEARS
S/O MURALEEDHARAN, EMPATHINCHIRA HOUSE,
NALLURNAD PO., MANANTHAVADY, WAYANAD DISTRICT

BY ADVS.SRI.V.P.REGHURAJ
SRI.V.SHYAM

RESPONDENT(S):

1. KANNUR UNIVERSITY, THAVAKKARA,
CIVIL STATION PO.,
KANNUR - 670 002, REP. BY ITS REGISTRAR
2. THE CONTROLLER OF EXAMINATIONS,
KANNUR UNIVERSITY, THAVAKKARA, CIVIL STATION PO.,
KANNUR 670 002
3. THE VICE CHANCELLOR, KANNUR UNIVERSITY,
THAVAKKARA, CIVIL STATION PO., KANNUR 670 002
4. THE PRINCIPAL, GOVERNMENT COLLEGE, MANANTHAVADY,
NALLURNAD PO., WAYANAD DISTRICT - 670 645

BY SRI.V.A.MUHAMMED, SC, KANNUR UNIVERSITY

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

WP(C).No. 11157 of 2015 (T)

APPENDIX

EXHIBITS

P1- THE TRUE COPY OF THE MEDICAL CERTIFICATE DATED 1.1.2015

P2- THE TRUE COPY OF THE JUDGMENT DATED 23.3.2015 IN WP(C).9163 OF 2015 OF HONOURABLE HIGH COURT OF KERALA

P3- A TRUE COPY OF THE CONDONATION APPLICATION DATED 28.3.2015 SUBMITTED BY THE PETITIONER BEFORE R2

P4- THE TRUE COPY OF COVERING LETTER DATED 30.3.2015 OF R4

P5- THE TRUE COPY OF THE APPLICATION DATED 30.3.2015 FOR 4TH SEMESTER EXAMINATION

//True Copy//

P.S. To Judge

K.VINOD CHANDRAN, J

W.P.(C).No. 11157 of 2015

Dated 7th April, 2015

JUDGMENT

The petitioner, on the basis of Ext.P1 medical certificate, claims that he was suffering from jaundice between 01.01.2015 and 31.01.2015 and hence he was unable to attend the classes during the said period. A condonation application seeking condonation of attendance for 11 days was also filed as is indicated at Ext.P3. In fact, Ext.P3 condonation application goes against the medical certificate issued at Ext.P1.

2. Evidently, the petitioner was present on various dates between 1st and 21st of January, 2015. It is also indicated in Ext.P3 that the petitioner would only be eligible, if at all, for consideration of 5½ days as per the details of absence given by the petitioner himself at Ext.P3. The Principal further indicates in Ext.P3 as also

in Ext.P4 that the petitioner had sought for participation in "Run Kerala Run" of National Games of 20.01.2015 and had later on, produced the certificate of having participated in such programme. The specific contention of the Principal going by Exts.P3 and P4 is that the facts disclosed evidence the presence of the petitioner at the college between 1st and 21st of January, 2015 and the participation in the "Run Kerala Run" and that would go against the medical certificate at Ext.P1. This Court finds that the above writ petition is an abuse of process of this Court.

3. The learned Standing Counsel for the University, in addition to pointing out the above facts as stated by the Principal, also contends that the petitioner has only 54% attendance and the minimum required percentage is 75. The condonation, as per the Regulations of the University is only for 10% by the Vice Chancellor that too on medical grounds.

4. The medical ground which has been stated by the petitioner would stand dispelled on his own showing that he had been present during the time he was advised rest and also that he had participated in a marathon during the period of alleged advised rest.

5. For all the above reasons, this Court finds that the writ petition cannot be entertained and the fact that the petitioner has produced a false certificate before this Court would commend imposition of exemplary cost on the petitioner. The petitioner for further participation in classes, would have to pay Rs.5,000/- to the University and submit the receipt before the College authorities.

The writ petition stands dismissed.

SD/-

K.VINOD CHANDRAN
Judge

Mrcs

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