

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA**

**FRIDAY, THE 24TH DAY OF APRIL 2015/4TH VAISAKHA, 1937**

**WP(C).No. 12623 of 2015 (C)**  
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**PETITIONER(S) :**  
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- 1. JITHIN DANIEL, S/O. DANIEL, AGED 26 YEARS,  
VAZHEVILA HOUSE, AYUR.P.O.,  
KOLLAM DISTRICT-691 533.**
- 2. TINTU TOM JOSE, S/O. O.T. JOSEPH,  
OTTATHENGIL HOUSE, MANNADISSALA.P.O.,  
VECHOOCHIRA, RANNI-686 511.**

**BY ADVS. SMT. DAISY A. PHILIPPOSE  
SRI. JAI GEORGE**

**RESPONDENT(S) :**  
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- 1. MAHATMA GANDHI UNIVERSITY,  
REPRESENTED BY ITS REGISTRAR, UNIVERSITY CAMPUS,  
ATHIRAMPUZHA, KOTTAYAM-686 562.**
- 2. THE CONTROLLER OF EXAMINATIONS,  
MAHATMA GANDHI UNIVERSITY, UNIVERSITY CAMPUS,  
ATHIRAMPUZHA, KOTTAYAM-686 562.**
- 3. THE VICE CHANCELLOR,  
MAHATMA GANDHI UNIVERSITY, UNIVERSITY CAMPUS,  
ATHIRAMPUZHA, KOTTAYAM-686 562.**

**BY SRI. VARUGHESE M. EASO, SC, M.G. UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 24-04-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**sts**

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## APPENDIX

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**EXT.P1      A TRUE COPY OF THE RELEVANT EXTRACT OF THE REGULATIONS OF  
THE FOUR YEAR B.PHARM COURSE ISSUED BY THE IST  
RESPONDENT**

**EXT.P2      A TRUE COPY OF THE JUDGMENT IN W.P(C).NO.11453 OF 2014 DATED 25/4/2014**

**EXT.P3                    A TRUE COPY OF THE EXECUTIVE COMMITTEE DECISION  
NO.4792/2014/KPC OF THE KERALA STATE PHARMACY COUNCIL  
DATED 29.4.2014**

**EXT.P4                    A TRUE COPY OF THE LETTER NO:E1/VIII/3/B.PHR/SF III DATED  
4.10.2014 ISSUED BY THE IST RESPONDENT**

**EXT.P5      A TRUE COPY OF THE LETTER NO.165/10/14 DATED 14.10.2014 ISSUED  
BY THE CHAIRMAN OF BOARD OF STUDIES IN PHARMACY,  
CHERUVANDOOR.**

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**/TRUE COPY/**

**P.S.TO JUDGE**

**sts**

**ANIL K.NARENDRA, J**

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**W.P.(C.)No.12623 Of 2015**  
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**DATED THIS THE 24<sup>th</sup> DAY OF APRIL, 2015**

**JUDGMENT**

The petitioners have filed this Writ Petition seeking a writ of mandamus commanding the first respondent to declare the result of their final year B.Pharm examination held during April, 2014.

2. The petitioners joined the B.Pharm course conducted by the first respondent-University in the year 2008 and they completed their course in 2014. Though the petitioners have passed the first and third year of B.Pharm degree examinations, they failed in the second year examination.

3. By way of Ext.P2 interim order in W.P.(C) No.11453 of 2014, this Court has provisionally permitted the petitioners to appear for the fourth year B.Pharm degree examination on condition that the result shall not be published without obtaining orders from this Court. Accordingly, they appeared for the fourth year B.Pharm examination held in April 2014, but they failed in two subjects and therefore the aforesaid writ petition was dismissed as withdrawn on 20.1.2015.

2. The petitioners subsequently completed the second year B.Pharm degree examination in the year 2014 itself. Now the learned counsel rely on Ext.P3 resolution passed by the Kerala State Pharmacy Council, as per which, in the meeting of the Council held on 24.4.2014, it was resolved that students of second year B.Pharm course may be considered favourably and even the candidates who have not cleared first, second and third year B.Pharm examinations may be allowed to appear for fourth year B.Pharm examinations. The learned counsel for the petitioner is also relying on the judgment of a Division Bench of this court dated 8.4.2015 in W.A.No.819 of 2015 by which this Court in similar circumstances had directed the University to declare the results of students similarly situated to the petitioners.

3. I heard arguments of the learned counsel for the petitioner and also the learned Standing Counsel appearing for the first respondent-University.

4. A reading of Ext.P3 resolution passed by the Kerala State Pharmacy Council would show that the candidates who

have not completed first and second year B.Pharm degree course can be allowed to appear for the fourth year B.Pharm examination. In such circumstances, the objection raised by the first respondent-University against publication of the petitioners' result for the final year B.Pharm examination held in April, 2014 cannot be sustained at all. A similar view has already been taken by a Division Bench of this Court in W.A.No.819 of 2015.

In the result, this Writ Petition is disposed of directing the first respondent-University to declare the result of the final year B.Pharm examination written by the petitioner during April, 2014. The University shall do the needful in this regard within a period of two weeks from the date of receipt of a certified copy of this judgment.

Sd/-  
**ANIL K.NARENDRA,**  
**JUDGE**

dsn