

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 1ST DAY OF JUNE 2015/11TH JYAISHTA, 1937

WP(C).No. 15129 of 2015 (M)

PETITIONER :

**JINUMON, AGED 19 YEARS,
4TH SEMESTER B.A., NYAYA STUDENT,
GOVT. SANSKRIT COLLEGE, THRIPIUNITHURA - 682 301.**

BY ADV. SRI.C.K.PRASAD

RESPONDENTS :

- 1. MAHATMA GANDHI UNIVERSITY
REPRESENTED BY ITS REGISTRY, PRIYADARSINI HILLS,
ATHIRAMPUZHA P.O., KOTTAYAM - 686 562.**
- 2. THE CONTROLLER OF EXAMINATIONS,
MAHATMA GANDHI UNIVERSITY, PRIYADARSINI HILLS,
ATHIRAMPUZHA P.O., KOTTAYAM - 686 562.**
- 3. THE PRINCIPAL
GOVT. SANSKRIT COLLEGE, THRIPIUNITHURA - 682 301.**

**R1 & R2 BY SRI.VARUGHESE M.EASO, SC,
R3 BY GOVERNMENT PLEADER SRI. SHYSON P. MANGUZHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1: TRUE COPY OF THE APPLICATION OF THE PETITIONER COUNTERSIGNED AND RECOMMENDED BY THE 3RD RESPONDENT DT. 22.10.14 AND THE ENCLOSURES THEREIN.
- P2: TRUE COPY OF THE RECEIPTS ISSUED BY THE M.G. UNIVERSITY ACKNOWLEDGING THE RECEIPT OF FEES TOWARDS CONDONATION DT. 23.10.14.
- P3: TRUE COPY OF THE RECEIPTS ISSUED BY THE M.G. UNIVERSITY ACKNOWLEDGING THE RECEIPT OF FEES TOWARDS CONDONATION DT. 24.10.14.
- P4: TRUE COPY OF THE RECEIPT ACKNOWLEDGING THE REGISTRATION OF APPLICATION FOR 3RD SEMESTER EXAMINATION ISSUED IN THE NAME OF THE PETITIONER.
- P5: TRUE COPY OF THE EXPLANATION LETTER NO. A - 127/EXAM/2015 DT 13.3.15 ISSUED BY THE 3RD RESPONDENT TO THE 2ND RESPONDENT.
- P6: TRUE COPY OF THE RECEIPT ACKNOWLEDGING THE REGISTRATION OF APPLICATION FOR 4TH SEMESTER EXAMINATION ISSUED IN THE NAME OF THE PETITIONER.
- P7: TRUE COPY OF THE SAID ORDER NO. CBCSSXIV/IIIBA/OCT. 2014 DT. 06.4.15.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. O JUDGE

bp

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 15129 of 2015

Dated this the 1st day of June, 2015.

JUDGMENT

The petitioner has approached this Court for a direction to the respondent Secretary to keep Ext.P7 communication/order in abeyance till Ext.P1 application for condonation of shortage of attendance in respect of the third semester examination is considered and disposed of by the Vice Chancellor of University in accordance with law.

2. The petitioner is a B.A.Nyaya Student in Govt. Sanskrit College, Thripunithura. He completed the 4th semester examination and is about to his 5th semester from the month of June. At the time of 3rd semester examination, Ext.P1 application for condonation of shortage of attendance was filed before the Vice Chancellor. The petitioner alleges that he provisionally, he had appeared for the 3rd Semester Examination. Ext.P1 was duly submitted as contemplated by the Regulations of the University, certified and recommended

by the Principal stating that timely application for leave has been submitted and the same has been granted. The petitioner alleged that accordingly, the Medical Certificate and Absence Statement countersigned by the Principal attached with the same. He points out that the number of absence is within the condonable limit. However, Ext.P1 application is not considered and disposed yet by the Vice Chancellor and is still pending. The petitioner further alleges that now the second respondent has passed Ext.P7 order rejecting the application for the registration of the third semester examination on account of 'shortage of attendance, whereas, the condonation of shortage of attendance in respect of the third semester examination is the matter pending before the Vice Chancellor and yet to be decided. The passing of Ext.P7 order has caused a stalemate situation in continuation of petitioner's course; it is alleged.

3. Today, when the matter came up for hearing, the learned Standing Counsel for the University, on instructions,

submitted that the application of the petitioner was considered and the shortage in attendance was condoned.

As the grievance of the petitioner has been redressed and there is no surviving cause of action, the writ petition is closed without examining the merits.

It was submitted by the learned counsel for the petitioner that the answer sheet of the petitioner relating to the 3rd and 4th semester examinations are kept in the college where he is undergone studies on account of the shortage of attendance.

As shortage of attendance has been condoned now, the respondent University shall issue the hall ticket of the petitioner for the third and the fourth semester examination and the college concerned can forward the petitioner's answer sheet to the respondent University for valuation.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.