

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 20TH DAY OF JANUARY 2015/30TH POUSHA, 1936

W.P.(C).No. 23279 of 2009 (D)

PETITIONER :

**SRI.C.ASOKAN, AGED 47 YEARS,
S/O.LATE N.CHELLAPPAN,
RESIDING AT ANASWARA,
GRA-786, GOWREESAPATTAM, TRIVANDRUM.**

BY ADV. SRI.SHAFIK M.ABDULKHADIR

RESPONDENTS :

- 1. THE UNIVERSITY OF KERALA,
REPRESENTED BY THE REGISTRAR,
OFFICE OF THE UNIVERSITY OF KERALA
THIRUVANANTHAPURAM.**
- 2. THE CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM.**
- 3. THE REGISTRAR,
UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM.**

R1-R3 BY ADV. SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

VS

W.P.(C).No. 23279 of 2009 (D)

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1 : TRUE COPY OF THE DECISION OF THE PASS BOARD OF THE
UNIVERSITY OF KERALA**
- EXT.P2 : TRUE COPY OF THE ORDER DATED 25.2.2008 IN COMPLAINT
NO.2462/07 OF THE HON'BLE UPA LOK AYUKTA.**
- EXT.P3 : TRUE COPY OF THE ORDER DATED 25.7.2008 IN COMPLAINT
NO.2462/07 OF THE HON'BLE UPA LOK AYUKTA.**
- EXT.P4 : TRUE COPY OF THE JUDGMENT DATED 18.6.2009 OF THIS HON'BLE
COURT IN W.P.(C) 26329/2008.**

RESPONDENT(S)' EXHIBITS :

- EXT.R1(a) : TRUE COPY OF THE RELEVANT PORTION OF THE EXAMINATION
MANUAL DESCRIBING THE PROCEDURE FOR FINALIZATION OF
RESULTS AND AWARD OF MODERATION.**

/TRUE COPY/

PA TO JUDGE

VS

K.VINOD CHANDRAN, J

W.P.(C) No.23279 of 2009

Dated this the 20th day of January, 2015

JUDGMENT

The petitioner is aggrieved with the denial of the university to grant moderation to the petitioner, in the final B.A degree examination of April 2007. Admittedly the petitioner had completed the graduate course in English under the University. Though the period in which he underwent the course is not clear, it is an admitted fact that the petitioner passed B.A Part I and Part II examinations only in the year 2000. The structured graduate course spread over three years examines a student in languages in the Part I and Part II and the main and subsidiary subjects in Part III.

2. In the case of the petitioner, the petitioner's main subject was English and he also had two subsidiary subjects, one being History of English Literature and the other being an optional subject of American Literature/ Indian Literature in English. The petitioner claims that he secured 209 marks in the main subject of English and a

mere addition of one mark, as moderation, will enable the petitioner to be qualified.

3. The University has filed Counter Affidavit in the writ petition, wherein it is specifically contended that, the petitioner had passed B.A Part I and Part II examinations in the year 2000, and had appeared for B.A Part III in the year April 2007 with Register No.502015. The appearance so made in the year 2007 was only for the main subjects and one of the subsidiary subjects. The petitioner obtained the required minimum of 35 for the subsidiary subjects, but however, fell short by one mark in the main.

4. The University also contended that the moderation granted, can only be in accordance with Ext.P1 decision of the Pass Board, which provided for 12 marks for obtaining a First class, Second class or a Third class. Hence, only if the petitioner would be qualified by grant of the moderation, would the petitioner be entitled to be granted moderation, is the argument.

5. The petitioner challenged Ext.P1 by way of

an amendment. However even in the amended writ petition, the writ petitioner doesn't refute the contention of the University, that the petitioner appeared for only one of the subsidiary subjects in Part III. Nothing is brought on record to show that the petitioner had either appeared for the said subsidiary subject in April 2007, or had qualified the same earlier. The challenge against Ext.P1 need not at all be considered. The petitioner having appeared for only one subsidiary subject even on the grant of moderation, the petitioner would not be entitled to be granted even a Third class or a pass. In such circumstances the writ petition is devoid of merit and the same is dismissed. No costs.

Sd/-
K.VINOD CHANDRAN, J
JUDGE

/TRUE COPY/

PA TO JUDGE

VS