

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

W.P.(C).No. 22975 of 2013 (V)

PETITIONER(S):

**SUNILKUMAR N.K, AGED 35 YEARS,
S/O. KRISHNA PILLAI, NANDANAM HOUSE,
PONNETH SOUTH TEMPLE ROAD, KADAVANTHRA
KOCHI-682 020.**

**BY ADVS. SRI. SANTHOSH MATHEW
SRI. SATHISH NINAN
SRI. ARUN THOMAS
SRI. JENNIS STEPHEN**

RESPONDENT(S):

**1. UNIVERSITY OF KERALA,
NEAR AASAN SQUARE, 23, PALAYAM AIRPORT ROAD,
UNIVERSITY OF KERALA SENATE HOUSE CAMPUS,
PALAYAM, THIRUVANANTHAPURAM - 695 037
REPRESENTED BY ITS REGISTRAR.**

**2. CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF KERALA, NEAR AASAN SQUARE, 23,
PALAYAM AIRPORT ROAD,
UNIVERSITY OF KERALA SENATE HOUSE CAMPUS,
PALAYAM, THIRUVANANTHAPURAM - 695 037.**

**R1 & R2 BY ADVS. SRI. GEORGE POONTHOTTAM, SC, KERALA UNIVERSITY
SRI. BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 24-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1 - TRUE COPY OF THE MARKLIST FOR B.SC (PSYCHOLOGY) ISSUED BY CMJ UNIVERSITY COLLEGE, SHILONG IN FAVOUR OF THE PETITIONER.

EXT.P2 - TRUE COPY OF THE ACKNOWLEDGEMENT CARD SHOWING THE APPLICATION SUBMITTED BY THE PETITIONER IS RECEIVED BY THE 1ST RESPONDENT.

EXT.P3 - TRUE COPY OF THE WEBPAGE SHOWING THAT THE PETITIONER'S APPLICATION HAS BEEN REJECTED BY THE 1ST RESPONDENT UNIVERSITY.

EXT.P4 - TRUE COPY OF THE APPLICATION FOR ELIGIBILITY CERTIFICATE SUBMITTED BY THE PETITIONER ON 11-9-2013.

RESPONDENT(S)' EXHIBITS - NIL

//TRUE COPY//

PA TO JUDGE

A.M.SHAFFIQUE, J.

W.P.(C)No.22975 of 2013

Dated this the 24th day of June, 2015

JUDGMENT

The petitioner having obtained a degree in B.Sc (Psychology) from CMJ University College, Shillong, applied for Post Graduate Degree course conducted by the first respondent. The basic qualification for getting admission for Post Graduate course is a graduate Degree in a course approved by the University of Kerala. He was admitted to M.Sc course but so far the University of Kerala has not granted equivalence, since the course undertaken by the petitioner from Shillong is not so far recognized or made equivalent by University of Kerala. The petitioner's admission was kept in abeyance. The petitioner therefore approached this Court for appropriate directions to consider his request for equivalency of the said course. By an interim order dated 12.09.2013, this Court had observed that the

admission of the petitioner to the PG course will stand accepted for the time being. In the meantime, the petitioner was permitted to apply for equivalency of the course, he had undertaken at Shillong with that of the degree course recognized by the University of Kerala. However the equivalency certificate had been rejected consequent to which it is apparent that the petitioner will not be able to continue the course.

2. Counter affidavit has been filed by the respondents 1 and 2 stating that the application for admission of the petitioner was rejected on 10.09.2013 in terms of Ext.P3 on the ground that he failed to produce the eligibility certificate along with necessary acknowledgment. The petitioner applied for eligibility certificate only on 11.09.2013, that is on the previous day on the last date of the admission. It is further stated that in order to get the course recognised, the petitioner has to submit application to the university along with complete scheme and syllabus of the course duly attested by the Registrar of the University concerned. If such

application is made along with the relevant documents, the same will be sent to the concerned Chairman, Board of Studies and then to the Dean, Faculty of Science for appropriate recommendations which has to be got approved by the Vice-Chancellor and the decision taken on the recognition will be subject to the final decision of the Academic Council, which is the body of expert academicians. It is also stated that only by virtue of the interim direction of this Court, the application submitted by the petitioner was accepted without insisting for eligibility certificate. It is mandatory for the petitioner to submit all documents to consider whether eligibility certificate can be issued or not, failing which it is stated that the admission will be cancelled.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the University.

4. It is not in dispute that it is by virtue of an interim direction issued by this Court that the petitioner had obtained admission to University College for M.A. (Psychology) and presently he is undergoing the said course. But despite the

averments in the counter affidavit the petitioner had not submitted any documents as stated in paragraph 4 of the counter affidavit.

5. The petitioner is therefore granted two weeks time to produce all such records before the University and in the event of the petitioner, producing the said documents, the University shall consider the same and pass appropriate orders, which shall be intimated to the petitioner. In the event, the University decides not to grant the eligibility certificate, the petitioner shall not be permitted to continue the studies.

The writ petition is disposed of as above.

Sd/-
A.M.SHAFFIQUE
JUDGE

rkj

//TRUE COPY//

P.A. TO JUDGE