

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

WP(C).No. 20419 of 2015 (B)

PETITIONER(S):

1. RAJEEV M.G.,
KARTHIKA BHAVAN, V.P. 5/1432 PRA 54,
NEAR KRISHI BHAVAN, NETTAYAM P.O., VATTIYOORKAVU,
TRIVANDRUM-695 013.
2. KICHU J.,
H.NO.7/83, 12/281, KIZHAKUMKARA VEEDU,
ANAVODE, DALUMUGHOM P.O., TRIVANDRUM-69512.

**BY ADVS.SRI.B.PREMOD
SRI.SUDHEER GANESH KUMAR.R.
SRI.M.P.SHIJU**

RESPONDENT(S):

1. THE UNIVERSITY OF CALICUT,
REPRESENTED BY REGISTRAR, CALICUT UNIVERSITY, 673 001.
2. THE CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF CALICUT-673 001.

BY ADV. SRI.SANTHOSH MATHEW, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
29-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 20419 of 2015 (B)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1: THE TRUE COPY OF THE MARKS OBTAINED BY THE 1ST PETITIONER.

EXHIBIT-P2: THE TRUE COPY OF THE MARKS OBTAINED BY THE 2ND PETITIONER.

**EXHIBIT-P3: THE TRUE COPY OF THE NOTIFICATION PUBLISHED BY THE
RESPONDENT UNIVERSITY.**

**EXHIBIT-P4: THE TRUE COPY OF THE APPLICATION SUBMITTED BY THE
1ST PETITIONER.**

EXHIBIT-P5: THE TRUE COPY OF THE HALL TICKET OF THE 1ST PETITIONER.

**EXHIBIT-P6: TRUE COPY OF THE CHALLAN SHOWING THE REMITTANCE OF EXAM
FEE OF THE 2ND PETITIONER.**

EXHIBIT-P7: THE TRUE COPY OF THE ORDER NO.731/2013/CU DATED 13.3.2013.

**EXHIBIT-P8: THE TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
1ST PETITIONER.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No.20419 of 2015

Dated this the 29th day of July, 2015.

JUDGMENT

Petitioners are seeking favourable orders from this Court extending the benefit of Ext.P7 order regarding the award of moderation marks.

2. The petitioners are students who pursued their legal study (5 year LLB course, old scheme without internal assessment) at Government Law College Thrissur during 2007-2012. The petitioners allege that they failed to get pass mark in some of the papers in the regular exams. The 1st petitioner failed in Jurisprudence and the 2nd petitioner failed in the subject, Arbitration, Conciliation and Alternate Dispute Resolution System and in the subject Taxation law II. While so the university announced the conduct of a special supplementary exam to be conducted in November 2014. The petitioners attended the exams. The 1st petitioner got 35 marks for Jurisprudence and the 2nd petitioner got 40 marks for

Arbitration and 58 marks for Taxation. The petitioners further point out that the respondent university have as per Ext.P7 order dated 13.03.2013 has decided to award 20 marks as moderation to those who have completed LLB course (old scheme without internal assessment) and has failed only in a single paper and has scored 30% marks in the relevant paper. The petitioners have failed only in a single paper and have scored more than 30% marks in the relevant paper. The respondent university is declining to extend the benefit of Ext.P7 order to the petitioners assigning a strange reason that Ext.P7 do not contain any provision to the effect that the said order would be applicable to the special supplementary exams. The said embargo created by the university is arbitrary, discriminatory and illegal; it is alleged. The petitioners are running from pillar to post seeking the benefit of Ext.P7 order. The attitude of the respondent university is that the competent authority to decide the issue is the syndicate and the matter is under consideration and the petitioners have to wait. Due to the inaction on the part of the respondent, the petitioners have

lost one chance of enrollment conducted by the Bar Council on 24th May 2015. Now the bar council is preparing for the next enrollment to be conducted within 2 months. The petitioners who are otherwise eligible to be declared as passed have been deprived of their opportunity to get themselves enrolled and start their practice as an advocate at the earliest. It is with this background, the petitioners have come up before this Court.

3. I have heard the learned counsel for the petitioner and the learned standing counsel for the respondent university in the matter.

4. The learned counsel for the petitioners invited my attention to the judgment of this Court in W.P.(C) No.17524 of 2015 which covers similar situation. The learned counsel for the petitioners also invited my attention to Ext.P7 which is the general order dated 13.3.2013, which reflects that the university had taken a decision in the year 2013 to award 20 marks as moderation to those who have completed the LL.B course (old scheme without internal assessment) and has

failed only in a single paper and has scored 30% marks in the relevant paper. The learned counsel for the petitioners would submit that the petitioners come within that category and therefore, they are entitled to the same relief that has been granted in the aforesaid case.

5. As the decision in W.P.(C) No.17524 of 2015 covers a similar situation, this Court is of the view that the benefit of the said judgment can be entertained to the petitioners also.

In the result, the writ petition is allowed. Respondents are directed to extend the benefit of moderation provided as per Ext.P7 order to the petitioners in the light of the marks obtained by them in the Special Supplementary Exam 2014 for LL.B. 5 year course (2001-2007 admission) within a period of one month from the date of receipt of a copy of this judgment and to issue consequential mark sheet and decree certificate to the petitioners if they are otherwise eligible.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.