

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 26107 of 2012 (K)

PETITIONER(S) :

**K.SHYAM, AGED 23 YEARS,
SON OF KUNHIRAMAN, PULUKOOL HOUSE,
THOTTAM GATE, P.O.PILIKODE, KASARAGOD DISTRICT-671 310.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.M.SAJJAD**

RESPONDENT(S) :

- 1. THE MAHATMA GANDHI UNIVERSITY,
REPRESENTED BY THE REGISTRAR, PRIYADARSINI HILLS,
ATHIRAMPUZHA, KOTTAYAM-6865 62.**
- 2. THE CONTROLLER OF EXAMINATIONS,
MAHATMA GANDHI UNIVERSITY, PRIYADARSINI HILLS,
ATHIRAMPUZHA, KOTTAYAM-686 562.**
- 3. THE PRINCIPAL,
KMEA ENGINEERING COLLEGE, EDATHALA, ALUVA,
ERNAKULAM-683 608.**

**R1 & R2 BY ADV. SRI.VARUGHESE M.EASO, SC, M.G. UNIVERSITY
R3 BY ADVS. SRI.C.ANILKUMAR (KALLESSERIL)
SRI.C.Y.VINOD KUMAR**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 01-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXT.P1: TRUE COPY OF THE MEMO EI.XXX OF THE UNIVERSITY
DATED 11/10/2011.
- EXT.P2: TRUE COPY OF THE MEMO EI.XXX OF THE UNIVERSITY
DATED 20/10/2011.
- EXT.P3: TRUE COPY OF THE EXPLANATION OF THE PETITIONER
DATED 27/10/2011.
- EXT.P4: TRUE COPY OF THE ORDER NO.EI.XXX OF THE UNIVERSITY
DATED 06/08/2012.
- EXT.P5: TRUE COPY OF THE DIPLOMA CERTIFICATE OF THE PETITIONER
DATED 09/06/2009.
- EXT.P6: TRUE COPY OF THE MARK LIST OF THIRD SEMESTER B.TECH
DEGREE EXAMINATION DATED 09/03/2010.
- EXT.P6(A): TRUE COPY OF THE MARK LIST OF THIRD SEMESTER B.TECH
DEGREE SUPPLEMENTARY EXAMINATION NOVEMBER 2010
DATED 23/03/2011.
- EXT.P6(B): TRUE COPY OF THE MARK LIST OF FOURTH SEMESTER B.TECH
DEGREE EXAMINATION APRIL 2010 DATED 28/09/2010.
- EXT.P6(C): TRUE COPY OF THE MARK LIST OF FOURTH SEMESTER B.TECH
SUPPLEMENTARY EXAMINATION MAY 2011 DATED 14/10/2011.
- EXT.P6(D): TRUE COPY OF THE MARK LIST OF FIFTH SEMESTER B.TECH
DEGREE EXAMINATION NOVEMBER 2010 DATED 23/03/2011.
- EXT.P6(E): TRUE COPY OF THE MARK LIST OF FIFTH SEMESTER B.TECH
DEGREE SUPPLEMENTARY EXAMINATION MAY 2011
DATED 14/10/2011.
- EXT.P7: TRUE COPY OF THE JUDGEMENT IN W.P.(C).NO.30633/2011-D
DATED 17/11/2011.
- EXT.P8: TRUE COPY OF THE JUDGEMENT IN W.P.(C).NO.11034/2012-D
DATED 11/05/2012.

RESPONDENT(S)' EXHIBITS :

NIL

//TRUE COPY//

P.A.TO JUDGE.

A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.26107 of 2015

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Dated this the 1st day of July, 2015

JUDGMENT

The petitioner has approached this Court for a direction to the respondent university to publish his results with respect to all papers for which he appeared *de hors* Ext.P4.

2. The respondent university vide Ext.P4 letter informed that the 6th semester examination taken by the petitioner during May, 2011 stands cancelled and he is debarred from appearing any examination earlier than May, 2012. The petitioner alleges that the said punishment was imposed in violation of natural justice and therefore, Ext.P4 is liable to be interfered with.

3. The alleged enquiry is conducted without notice to the petitioner and he was not informed of the identity of the paper in respect of which the enquiry officer found him guilty of malpractice. The respondent has not published the results of the papers taken by the petitioner prior to the alleged malpractice.

4. The petitioner further alleges that all along his career, he has performed with colourful result and he got first class in

diploma. Upto 6th semester, the petitioner passed all papers except one with very good marks. There is no requirement for the petitioner to commit any malpractice as he is fully confident of passing the examination with colourful marks; it is alleged.

5. In the meanwhile, the petitioner appeared for the subsequent examinations on the basis of the direction from this Court. The 8th semester examination was held after May, 2012. Hence, it is alleged that there is no justification for not publishing the results of the said examination as well. The petitioner points out that Ext.P4 was issued on 6.8.2012, debarring him from appearing for any examination earlier than May 2012. In between May, 2012 and August, 2012, there were chances for supplementary examination which could have been utilised by the petitioner, had Ext.P4 been issued prior to May, 2012. As such, in effect, the petitioner is denied the chance which is not meant in Ext.P4. It is with this background, the petitioner has come up before this Court.

6. I have heard the learned counsel for the petitioner and learned standing counsel for the respondent university.

7. The learned standing counsel for the respondent university inviting my attention to paragraph (7) of the statement filed by the university submitted that the syndicate meeting held on 21.7.2012 vide minutes item no.111/12/.05/547 resolved to cancel the 6th semester B.Tech Degree Examination May, 2011 taken by the petitioner and debarred him from appearing for any examination before May, 2012. The petitioner has not challenged the said decision.

8. The period during which the petitioner was debarred from taking the examination is also over.

9. As the matter has become infructuous, the petitioner is not entitled to get the relief prayed for.

Therefore, the writ petition is dismissed.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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