

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 22610 of 2015 (A)

PETITIONER(S):

**AMBADY GOPALAKRISHNAN, AGED 37 YEARS,
S/O DEVADAS, PAZHAMPILLYSSERIL HOUSE, MANAKKAPADY
KARUMALLOOR P.O., NORTH PARAVUR,
ERNAKULAM DISTRICT, PIN - 683 511.**

**BY ADVS.DR.K.P.SATHEESAN (SR.)
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANATHAPURAM - 695 001.**
- 2. THE VICE CHANCELLOR
MAHATMA GANDHI UNIVRSITY, ATHIRAMPUZHA P.O.,
KOTTAYAM - 686 662.**
- 3. THE REGISTRAR MAHATMA GANDHI UNIVERSITY,
ATHIRAMPUZHA, KOTTAYAM - 686 562.**
- 4. THE CONTROLLER OF EXAMINATIONS,
MAHATMA GANDHI UNIVERSITY,
ATHIRAMPUZHA, KOTTAYAM - 686 562.**
- 5. THE PRINCIPAL,
LAW COLLEGE, ERNAKULAM - 682 011.**

**R1 & R5 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA
R2 TO R4 BY SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 22610 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT.P1: TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER BEFORE
THE 3RD RESPONDENT**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

MsV/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 22610 of 2015

Dated this the 27th day of July, 2015

J U D G M E N T

The petitioner has approached this Court for the following reliefs;

- i. To issue a writ of mandamus or any other writ, order or direction directing respondents 2 to 5 to consider and pass orders on Ext.P1 application in accordance with law within a time frame fixed by this Court.
- ii. To issue a writ of mandamus or any other writ, order or direction to respondents 2 to 5 to permit the petitioner to write the exams of 8th and 9th semesters after condoning the shortage of attendance of the petitioner.
- iii. To issue a writ of mandamus or any other writ, order or direction directing respondents 2 to 5 to permit the petitioner to attend the classes of

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10th semester LLB course forthwith considering Ext.P1 application and to permit the petitioner to write the exams of 10th semester.

iv.To pass any other appropriate order or direction, which this Court may deem fit and proper in the nature and circumstances of the case.

2. The petitioner is pursuing his BA (L) LLB course (5 year) in the Government Law College, Ernakulam and has completed 9th semester class. The petitioner belongs to SEBC Group and is eligible for fee concession for pursuing his course and for other fees. According to the petitioner, he had completed his 8th and 9th semester classes and is prepared to write the exams of 9th semester for the supplementary exams. He alleges that he could not attend the classes for the 9th semester as his father expired; and the expiry of the father created lot of issues in his family; and therefore, he was unable to attend the classes. Now, 10th semester classes have

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commenced. The petitioner was not permitted to write the 9th semester examinations as he had shortage of attendance. Therefore, he submitted an application before the 3rd respondent seeking permission to continue the 9th and 10th semesters and also seeking permission to write the 9th semester examinations. Though 3rd respondent has received the same, he has not taken any decision in the matter so far; it is alleged. Therefore, the petitioner could not attend the 10th semester classes also as the 5th respondent has not given permission to attend the same and to write the 9th semester examinations. According to the petitioner, this is his last chance to write the exams pending and to attend the 10th semester class as the LLB course pursuing at present would be stopped from the next year onwards and the same would be bifurcated to other law courses. Hence, the petitioner has approached this Court.

3. Heard the learned counsel for the petitioner, the learned Standing Counsel for the respondent

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university and the learned Government Pleader.

4. The learned counsel for the petitioner confined his argument to the limited prayer for a direction to the respondent university to consider Ext.P1 application as well as a representation submitted by the petitioner on 17.07.2015 seeking permission to write 8th semester also.

Therefore, the writ petition is disposed of directing the respondent university to consider Ext.P1 application as well as the subsequent representation dated 17.07.2015 seeking permission to write 8th semester also, and pass appropriate orders after affording the petitioner and the 5th respondent an opportunity of being heard and to produce documents in support of his claim, within a period of 45 days from the date of receipt of a copy of this judgment.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-