IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 4TH DAY OF FEBRUARY 2015/15TH MAGHA, 1936

WP(C).No. 27098 of 2012 (J)

PETITIONER:

VAHID K.P., S/O.ABOOBACKER K.P,
KATTUPARAMBATH HOUSE,
VAIKKATHUR, POST VALANCHERY,
MALAPPURAM DISTRICT, PIN - 676 552.

BY ADV. SRI.C.M.MOHAMMED IQUABAL

RESPONDENT(S):

1. **CALICUT UNIVERSITY, REP.BY ITS REGISTRAR,**
   POST CALICUT UNIVERSITY, PIN - 673 635.

2. **THE REGISTRAR, UNIVERSITY OF CALICUT,**
   POST CALICUT UNIVERSITY, PIN - 673 635.

3. **THE HEAD OF THE DEPARTMENT,**
   DEPARTMENT OF HINDI, UNIVERSITY OF CALICUT,
   POST CALICUT UNIVERSITY, PIN - 673 635.

BY SRI.SANTHOSH MATHEW, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

mbr/

WP(C).No. 27098 of 2012 (J)

APPENDIX

PETITIONER(S) EXHIBITS:

EXHIBIT P1: **A TRUE COPY OF THE CERTIFICATE ISSUED BY KARNATAKA STATE OPEN UNIVERSITY TO THE PETITIONER DATED 08.01.2001.**

EXHIBIT P2: **A TRUE COPY OF THE STATEMENT OF MARK IN MA (FINAL) DEGREE EXAMINATION DATED 25.11.2006.**

EXHIBIT P3: **A TRUE COPY OF THE EQUIVALENT CERTIFICATE ISSUED TO THE PETITIONER BY THE CALICUT UNIVERSITY DATED 21.12.2006.**

EXHIBIT P4: **A TRUE COPY OF THE CERTIFICATE ISSUED BY DIRECTORATE OF HIGHER SECONDARY EDUCATION, GOVERNMENT OF KERALA, DATED 04.07.2007.**

EXHIBIT P5: **A TRUE COPY OF THE RELEVANT PAGES OF NOTIFICATION DATED 16.08.2012 ISSUED BY THE 2ND RESPONDENT.**

EXHIBIT P6: **A TRUE COPY OF THE PROVISIONAL LIST OF QUALIFIED CANDIDATES IN THE ENTRANCE EXAMINATION FOR PHD ADMISSION HINDI 2012.**

EXHIBIT P7: **A TRUE COPY OF THE COMMUNICATION ISSUED BY RESPONDENT UNIVERSITY DATED 20.10.2012.**

EXHIBIT P8: **A TRUE COPY OF THE REPRESENTATION DATED 19.11.2012 SENT BY THE PETITIONER BEFORE THE 2ND RESPONDENT.**

RESPONDENTS' EXHIBITS & ANNEXURES:

ANNEXURE R1(1) : **TRUE COPY OF THE COMMUNICATION DATED 23.8.2014 SENT BY THE HEAD OF THE DEPARTMENT OF HINDI, UNIVERSITY OF CALICUT TO THE REGISTRAR, UNIVERSITY OF CALICUT.**

/TRUE COPY/

P.S. TO JUDGE

mbr/

A.V.RAMAKRISHNA PILLAI, J

WPC No.27098 of 2012

Dated this the 4th day of February, 2015

JUDGMENT

The petitioner is a Post Graduate from Karnata State Open University, Mysore. He alleges that the degree issued by the said University is equivalent to the Master Degree in Hindi of the respondent University.

2. The petitioner further points out that the respondents issued Ext.P5 notification notifying admission for Ph.D Programme 2012 in the University. The eligibility to admit to the aforesaid course is a Post Graduate Degree or equivalent degree with 50% marks. The petitioner points out that since he got the aforesaid eligibility, he applied for the entrance test and qualified for the same. However, the respondent University has denied admission to the petitioner and issued Ext.P7 order

directing the petitioner to produce the certificates mentioned therein to decide eligibility. It is with this background, the petitioner has come up before this Court.

3. This Court by interim order dated 4.4.2014 directed the second respondent to consider the representation submitted by the petitioner in accordance with law, within six months.

4. On the basis of the interim order passed by this Court, orders have been issued and the copy of the same was produced along with a statement dated 29th January 2015. Copy of the communication is produced as Ext.R1(a).

In view of Ext.P3 equivalency certificate issued by the respondent University, it is hereby declared that the petitioner is eligible to apply for Ph.D programme. However, his present request is for participating in the Ph.D Programme, 2012, this writ petition is disposed of making it clear that it shall be open to the petitioner to make use of the

observations in the judgment, if the petitioner opts to participate in the Ph.D programme of the respondent University in future.

It is hereby made clear that the decision of the University in the case of the petitioner shall not have any retrospective operation.

sd/-A.V.RAMAKRISHNA PILLAI
JUDGE

css/ true copy

P.S.TO JUDGE