

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 28667 of 2009 (C)

PETITIONER(S) :

BASIL, S/O.AMANULLA,
ROSE HOUSE, PALACE ROAD, ATTINGAL.

BY ADV. SRI.P.K.MUHAMMED

RESPONDENT(S) :

1. THE VICE CHANCELLOR,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM.

2. THE REGISTRAR,
UNIVERSITY OF KERALA, THIRUVANANTHAPURAM.

R1 & R2 BY SRI.BECHU KURIAN THOMAS, SC, KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-1-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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APPENDIX

PETITIONER'S EXTS:

EXT.P1- TRUE COPY OF THE STATEMENT OF MARKS ISSUED TO THE PETITIONER.

EXT.P2- TRUE COPY OF THE ORDER ISSUED BY THE RESPONDENTS DATED
22.5.2008.

EXT.P3- TRUE COPY OF THE PROVISIONAL CERTIFICATE ISSUED TO THE
PETITIONER DATED 8.8.2008.

EXT.P4- TRUE COPY OF THE JUDGMENT IN WRIT PETITION NO.35308/2008.

EXT.P5- TRUE COPY OF THE JUDGMENT IN WRIT APPEAL NO.280/2009.

EXT.P6- TRUE COPY OF THE REPRESENTATION DATED 11.5.2009 SUBMITTED BY
THE PETITIONER TO THE 1ST RESPONDENT.

EXT.P7- TRUE COPY OF THE MEMO ISSUED TO THE PETITIONER BY DEPUTY
REGISTRAR, UNIVERSITY OF KERALA.

/TRUE COPY/

P.S. TO JUDGE.

s1.

K. Vinod Chandran, J.

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W.P.(C)No.28667 of 2009

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Dated this the 15th day of January, 2015.

JUDGMENT

1. Petitioner, a lateral entry student in the B.Tech course, had claimed 1st class by reason of having obtained 61.72% in the course. Admittedly, the petitioner was admitted to the course of B.Tech (Computer Science), which commenced in 2002 and concluded in 2006, having ten semesters spread over a total of five years. The University had a regulation by which the students of B.Tech. could appear in the 7th semester examinations, only if they qualify in the remedial papers of the 1st and 2nd semester examinations. The petitioner, though appeared in Engineering (Maths) and Engineering (Mechanics), the said remedial papers, failed to obtain a pass mark. The petitioner, admittedly, did not qualify the course, within the period stipulated.
2. The regulations of the University, as has been pleaded by the

University, mandated that 1st class would be awarded only to the students, who acquire marks above 60% and that too, in the regular examinations of all the semesters, thus completing the course in the regular semesters of the course. Hence, a student would have to complete the course in the period stipulated for the course, i.e., five years, by a total of ten semesters, at the first attempt and should have obtained marks above 60% to obtain 1st class.

3. Petitioner had been before this Court earlier, contending that the lateral entry students were granted an exemption from appearance in the remedial papers of the 1st and 2nd semester. The petitioner availed of such exemption in the year 2008 and claimed 1st class, on the basis of the marks he obtained, which, undisputably was above 60%.
4. A Division Bench of this Court, considering the prayer made by the petitioner, directed consideration of the same by the Vice Chancellor of the University, which consideration was made by Ext.P7. The

petitioner's request stood declined by Ext.P7, which is impugned herein.

5. The University specifically contends that, the exemption granted by Ext.P2 was a concession to the students, who could not complete the course, within the period stipulated. Hence, the petitioner, who had completed the course in the year 2006, was given an additional opportunity to complete the course, being a lateral entry student, by not appearing for the remedial papers. Petitioner, hence, by virtue of the exemption granted by Ext.P2, cannot claim 1st class, which is prohibited by the regulation, is the contention.
6. Petitioner seeks to mix up the regulation for grant of 1st class and the exemption granted to him as a concession. The exemption had only facilitated the petitioner to write the 7th semester examinations, even without passing in the remedial papers. Till exemption order was passed, the petitioner had not passed in the remedial papers and

hence, could not appear in the 7th semester examinations. A concession granted later on, to enable the completion of the course and confirmation of a degree cannot be further extended for conferring a 1st class. The regulation, with respect to the 1st class, stands alone and separate from the exemption granted. Without the exemption, the petitioner would not have been able to qualify in the course at all. Merely for the reason that the exemption was granted, it cannot be said that the petitioner would be deemed to have completed the course in the 10 semesters during the period of five years itself. In such circumstances, the writ petition is bound to be devoid of merit. It is hence dismissed. No costs.

K. Vinod Chandran, Judge.

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