

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 24967 of 2015 (U)

PETITIONER :

**GEORGEY S.MOOLAMKUNNAM
S6, MECHANICAL ENGINEERING
TKM COLLEGE OF ENGINEERING, KOLLAM
RESIDING AT MOOLAMKUNNAM HOUSE
RUBY NAGAR P.O., CHANGANACHERY
KOTTAYAM – 686 103.**

**BY ADVS.SRI.M.RAJAGOPALAN NAIR
SRI.G.BIJU**

RESPONDENT(S) :

- 1. UNIVERSITY OF KERALA
REPRESENTED BY ITS REGISTRAR
THIRUVANANTHAPURAM – 695 034.**
- 2. THE VICE CHANCELLOR
UNIVERSITY OF KERALA
THIRUVANANTHAPURAM – 695 034.**
- 3. THE SYNDICATE OF THE UNIVERSITY OF KERALA
REPRESENTED BY ITS CHAIRMAN,
VICE CHANCELLOR, UNIVERSITY OF KERALA
THIRUVANANTHAPURAM – 695 034.**
- 4. THE PRINCIPAL
TKM COLLEGE OF ENGINEERING
KOLLAM – 5.**

R1 TO R3 BY ADV. SRI.BECHU KURIAN THOMAS, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONER'S EXHIBITS :

EXT.P1 : COPY OF THE APPLICATION FOR CONDONING THE SHORTAGE OF ATTENDANCE SUBMITTED BY PETITIONER BEFORE THE UNIVERSITY OF KERALA DATED 17.5.2015.

EXT.P2 COPY OF THE COMMUNICATION SENT TO PETITIONER DATED 22.7.2015 FROM UNIVERSITY OF KERALA.

EXT.P3 COPY OF THE REPRESENTATION GIVEN BY PETITIONER TO 2ND RESPONDENT DATED 10.8.2015.

RESPONDENT'S EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)No.24967 of 2015

Dated this the 17th day of August, 2015.

J U D G M E N T

The petitioner is seeking a direction to the 2nd respondent to consider and pass orders on Exts.P1 and P3.

2. The petitioner is a B.Tech Mechanical Engineering student of 4th respondent College. The petitioner was hospitalised due to infective Hepatitis during February 2015 and thereby he had a shortage of attendance of 10 days from the minimum 75% prescribed. The petitioner submitted Ext.P1 application for condonation of shortage of attendance. The 4th respondent recommended and forwarded the application to the University. On receipt of Ext.P1, the University permitted the petitioner to write the 6th Semester Examination.

3. As per the Rules relating to condonation of shortage of attendance, the condonation will be granted in case

where the Syndicate is satisfied that the shortage is caused due to reasons beyond their control and the maximum number of condonable days is 20. The petitioner has availed condonation of 3 days in the 4th Semester and 6 ½ days in the 5th Semester. However, the total number including present 10 days shortage shall not exceed the maximum of 20 days. The Authority competent to consider the condonation of attendance shortage is the Syndicate of the University. However, the Controller of Examination issued a communication to the petitioner stating that the petitioner is not eligible for getting condonation since he has previously availed the condonation twice. The petitioner alleges that the Controller of Examinations has no power to take decision on the application for condonation of shortage of attendance. The petitioner also points out that, the 1st respondent University has granted condonation for more than two times in several cases. The petitioner submitted Ext.P3 request to the 2nd respondent to consider his application and to publish his result, which is pending consideration.

4. I have heard the learned counsel for the petitioner and the standing counsel for the respondent University.

5. As the learned counsel for the petitioner confined his arguments to the limited prayer for a direction to the 2nd respondent to consider and pass orders on Ext.P3, this writ petition can be disposed of even without issuing notice to the 4th respondent.

Therefore, the writ petition is disposed of directing the 2nd respondent to consider and pass appropriate orders on Ext.P3, after affording the petitioner and the affected parties, if any, an opportunity of being heard, within 2 weeks of receipt of copy of this judgment.

Sd/-
A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A. to Judge