

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 12TH DAY OF MARCH 2015/21ST PHALGUNA, 1936

W.P.(C).No.31369 of 2009 (M)

PETITIONER(S):-

R.P. REENA, W/O. R.PAUL, AGED 32 YEARS,
LITTLE FLOWER COTTAGE, MOTTAMOODU, NEMOM P.O.,
TRIVANDRUM DISTRICT.

BY ADV. SRI.MILLU DANDAPANI.

RESPONDENT(S):-

1. THE UNIVERSITY OF KERALA, TRIVANDRUM,
REP. BY THE REGISTRAR, UNIVERSITY, OF KERALA,
TRIVANDRUM.
2. THE CONTROLLER OF EXAMINATIONS,
UNIVERSITY OF KERALA, TRIVANDRUM.
3. STATE OF KERALA,
REP. BY THE CHIEF SECRETARY TO GOVERNMENT,
GOVT.SECRETARIAT, TRIVANDRUM.

R1 & R2 BY STANDING COUNSEL SRI.BECHU KURIAN THOMAS.
R3 BY SENIOR GOVERNMENT PLEADER SRI.BIJU MEENATTOOR.
R,R1-2 BY ADV. SRI.M.RAJAGOPALAN NAIR, SC, KERALA UTY.
R,R1,2 BY ADV. SRI.GEORGE POONTHOTTAM,SC,KERALA UTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
12-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 TRUE COPY OF THE CERTIFICATE DATED 6.10.1997 ISSUED IN FAVOUR OF THE PETITIONER BY THE KERALA HINDI PRACHAR SABHA.
- EXT.P2 TRUE COPY OF THE PROVISIONAL CERTIFICATE ISSUED TO THE PETITIONER BY THE UNIVERSITY OF KERALA, DATED 18.12.2000.
- EXT.P3 TRUE COPY OF THE NOTIFICATION NO.EG/B.A., B.COM/2007 ISSUED BY THE 1ST RESPONDENT, DATED 31.08.2007.
- EXT.P4 TRUE COPY OF THE MARK LIST OF THE PETITIONER FOR THE 1ST YEAR B.A.DEGREE EXAMINATION.
- EXT.P5 TRUE COPY OF THE MARK LIST OF THE PETITIONER FOR THE FINAL YEAR B.A. DEGREE EXAMINATION.
- EXT.P6 TRUE COPY OF THE MEMO NO.EH/2009, ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER, DATED 13.10.2009.

RESPONDENT'S EXHIBITS:-

- EXT.R1(a) TRUE COPY OF THE ORDER NO.Ac.C3/1776/97 DATED 29.08.1997.
- EXT.R1(b) TRUE COPY OF THE MINUTES OF THE STANDING COMMITTEE OF THE SYNDICATE ON EXAMINATIONS DATED 12.01.2010.
- EXT.R1(c) TRUE COPY OF THE PROCEEDINGS OF THE SYNDICATE HELD ON 30.01.2010.
- EXT.R1(d) TRUE COPY OF THE ORDER NO.Ac.A.II/1/46755/VII(3)/201 DATED 19.07.2011.

vkul

[true copy]

P.S. to Judge.

K. Vinod Chandran, J.

W.P(C) No.31369 of 2009-M

Dated this the 12th day of March, 2015

JUDGMENT

The petitioner is aggrieved with the refusal of the University to issue her a graduate degree in English.

2. The facts to be noticed for adjudication of the above dispute is that, the petitioner completed her Pre-Degree and took Sahityacharya Certificate from the Kerala Hindi Prachar Sabha. The petitioner was entitled to apply for a graduate degree in Hindi on appearing for the Part I English paper alone. That is provided under Exhibit P3, by Clause I.c, which is extracted hereunder:

"I. Eligibility conditions and other informations:

xxx xxx xxx

c. Candidates who have passed the Sahityacharya Examination conducted by the Kerala Hindi Prachar Sabha and Pre-degree examination of Kerala University or any other examination recognised as equivalent thereto, by the University can register as Private candidates for B.A. (Hindi) Part I English in two sittings. Such candidates should have completed 3 years after passing the Pre-degree examination or an examination recognised as equivalent by the University, prior to the II Year BA Part I English Examination".

3. The petitioner obviously qualifies to apply for the BA Degree [Hindi], which could be granted on her passing Part I English alone. She appeared for the examinations on the basis of interim orders passed by this Court and passed in B.A.Degree [Hindi]. That definitely has to be regularised.

4. However, the next contention is that she again applied for Part III Optional Subject, English (Literature) as Main Subject for obtaining B.A. Degree in English also. She was granted permission to appear for the examination and seems to have passed the same, as evidenced by Exhibit P5. However, when approached, the University declined the grant of degree in English, citing that the Regulation mandates her qualifying in Part II Additional Language also.

5. The learned Standing Counsel for the University puts the issue in the proper perspective, by explaining that a student to obtain a graduate degree should pass Part I English, Part II Additional Language and Part III Main Subject. The petitioner having not qualified in the Additional Language, cannot be awarded a degree in English. The petitioner having qualified

Sahithyacharya, she would be entitled to apply for B.A. (Hindi) on her qualifying in Part I English alone. The exemption in qualifying Part II, Additional Language, is only for the grant of a B.A. Degree in Hindi to those students who have passed Sahithyacharya. That would not apply to other subjects.

6. The petitioner's contention is that, a person who has a graduate degree, can apply for other graduate degree in another language on the said person qualifying in the Part III Main Subjects. Based on the said regulation, the petitioner sought for appearing in the Part III Main in English Literature, she being desirous of having an additional graduate qualification in English.

7. Though she qualified in Part III examination, the University's refusal was on account of the fact that the petitioner's B.A. Degree in Hindi itself was on an exemption clause, which facilitated exemption from appearing in the Part II Additional Language. Only a candidate having a graduate qualification with Part I, Part II and Part III would be entitled to seek a further graduate qualification, in English Literature, on qualification of Part III Main Subjects alone. In such circumstances, the petitioner

would have to appear for the Part II Additional Language examinations and qualify the same so as to seek for a graduate degree in English Literature. If the petitioner so applies and qualifies, the University shall consider issuance of B.A. Degree in English Literature.

The writ petition is disposed of as above. No costs.

Sd/-
K. Vinod Chandran,
Judge

vku/

[true copy]