

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 12TH DAY OF FEBRUARY 2015/23RD MAGHA, 1936

WP(C).No. 28970 of 2014 (U)

PETITIONER :

VARSHA VIJAYAN, AGED 22 YEARS,
W/O.RAHUL S. NATH, SOUPARNIKA, PADINJATTIL HOUSE,
KUMARAPURAM, MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM-695 001.

BY ADVS.SRI.S.RAMESH
SRI.NAVEEN.T
SMT.POOJA SURENDRAN

RESPONDENT(S):

1. THE REGISTRAR, UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM, PIN -695 001.

2. THE MANAGER,
SREE NARAYANA COLLEGE, KOLLAM, PIN -691 001.

R1 BY ADV. SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA

R2 BY ADVS. SRI.A.N.RAJAN BABU
SRI.P.GOPALAKRISHNAN (MVA)
SRI.A.R.EASWAR LAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12-02-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT-P1: A TRUE COPY OF THE PROSPECTUS PRESCRIBED FOR ADMISSION TO THE POSTGRADUATE COURSE OF M.SC HOME SCIENCE.
- EXHIBIT-P2: A TRUE COPY OF THE CERTIFICATE OF THE PETITIONER OF B.SC HOME SCIENCE COURSE FROM THE UNIVERSITY OF DELHI.
- EXHIBIT-P3: A TRUE COPY OF THE CERTIFICATE OF 10TH STANDARD EXAMINATION CONDUCTED BY THE CENTRAL BOARD OF SECONDARY EDUCATION IN THE YEAR 2009.
- EXHIBIT-P4: A TRUE COPY OF THE CERTIFICATE FOR +2 COURSE ISSUED TO THE PETITIONER BY THE CENTRAL BOARD OF SECONDARY EDUCATION.
- EXHIBIT-P5: A TRUE COPY OF THE PAYMENT OF FEES SLIP.
- EXHIBIT-P6: A TRUE COPY OF THE MEMO ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT REGISTRAR OF THE UNIVERSITY OF KERALA DATED 19.08.2014.
- EXHIBIT-P7: A TRUE COPY OF THE REPRESENTATION DATED 28.8.2014.
- EXHIBIT-P8: A TRUE COPY OF THE MEMO DATED 1.10.2014 ISSUED BY THE 1ST

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

K.VINOD CHANDRAN, J

W.P.(C).No. 28970 of 2014

Dated 12th February, 2015

JUDGMENT

The petitioner is aggrieved with Exts.P6 and P8 which refused to grant equivalency certificate to the petitioner to be admitted to the M.Sc (Home Science) course under the 2nd respondent which is an affiliated college of the 1st respondent University. The rejection for equivalency is to the +2 qualification she has obtained; which is evident at Ext.P4. Ext.P4 is a certificate of Senior School Certificate Examination issued by the Central Board of Secondary Education in 2011. The petitioner is declared to have been a private candidate; even as per Ext.P4.

2. The contention of the University is that the Regulation of the University requires that the petitioner, who applies for Post Graduation, ought to have undertaken 10+2+3 pattern of studies and

each of such qualification, ought to be recognized by the University. Private study under the CBSE having not been recognized, petitioner's +2 qualification would fall short of the eligibility norms, is the contention. The University also relies on a Division Bench judgment of this Court in W.A.1068 of 2014 dated 11.08.2014.

3. The learned counsel for the petitioner however, would contend that the course the petitioner has undertaken though a private study, is equivalent to the +2 qualification granted by the CBSE in a regular study. There is nothing to distinguish Ext.P4 from a certificate granted on regular study since it speaks of a "Senior School Certificate Examination-2011". The learned counsel for the petitioner also distinguishes the judgment insofar as the facts and the law not being applicable to the petitioner.

4. Essentially it is to be noticed that the judgment of the Division Bench may not be strictly applicable here. That was a case in which the petitioner therein having completed the Pre-degree course failed to qualify it. Later on, the petitioner appeared in an open system under the Calicut University and obtained a degree. When admission to Post Graduation was sought, the same was declined for reason of the petitioner having not undergone the 10+2+3 pattern. Hence the said decision may not squarely apply in the present case.

5. Specification in prospectus is extracted hereunder

5.2.1 - Candidates should have passed the corresponding Degree examination under the 10+2+3 pattern with Core Course and Complementary Course/with one main subject and two subsidiary subjects from any of the Universities in Kerala or of any other University recognized by the University of Kerala as equivalent thereto for admission, subject

to the stipulation regarding grade/marks.

6. The Regulation relied on by the University and referred to by the Division Bench is also extracted hereunder:-

“Unless otherwise specified, Degrees/Examinations of other Universities means the Degree/Examination awarded/Passed after having undergone the prescribed course of instruction by the duly recognized, regular/correspondence/private study not less than 10+2(12) / 10+2+3(15) / 10+2+3+2(17) years of study pattern in Board/University other than the University of Kerala.”

7. It is to be noticed that, the 10+2 / 10+2+3 / 10+2+3+2 pattern insisted by the University under the Regulation, is for a prescribed course by instruction of the duly recognized/correspondence/private study. A certificate obtained in private study is also recognized as an eligible one and if the course is a recognized one; definitely, the petitioner's admission would have to be regularized.

8. In that context, it is to be noticed that the pattern 10+2+3 refers to a secondary qualification, higher secondary qualification and graduate qualification respectively. The petitioner would have to first establish that Ext.P4 is with respect to the higher secondary and a mere completion of a course for two years after the secondary qualification, would not entitle the petitioner to be considered as having undertaken studies within the pattern 10+2+3.

9. What is relevant is the qualification at Ext.P4 being equivalent to a higher secondary qualification obtained from the CBSE. Since the CBSE is not made a party in the above writ petition, the petitioner would be entitled to seek such a certification from the CBSE and if that is produced then, definitely the University would have to consider regularization. The petitioner shall be

continued for a period of six months and the petitioner shall also be permitted to sit for the examinations provisionally, and subject to the production of a certificate from the CBSE; that the qualification she has obtained is equivalent to the Higher Secondary qualification obtained in a regular 10+2 course.

The writ petition stands disposed of. Parties are left to suffer their respective costs.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

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