

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

WP(C).No. 30297 of 2015 (J)

PETITIONER(S) :

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1. AFSAL.T.S AGED 24 YEARS
S/O.V.K SHAMSUDHEEN, THOOMBALAKKATHOTT HOUSE, PURAYAR
DESOM P.O, ALUVA PIN 683102, ERNAKULAM DISTRICT
 2. FASAL V.M AGED 24 YEARS
S/O. V.A MOITHEEN, KALLUMALEAKUDY HOUSE
ELAMBAKAPILLY P.O, PERUMBAVOOR, . ERNAKULAM DISTRICT
 3. BINOY VARGHESE, AGED 24 YEARS
S/O. K.V VARGHESE, VALLOORAN HOUSE, WEST VENGOLA P.O
VALLIYAKULAM, PERUMBAVOOR, ERNAKULAM DISTRICT
 4. ASWIN KANNAN AGED 24 YEARS
S/O. KANNAN T.V, PADATH HOUSE, THIRUVANKULAM P.O
ERNAKULAM DISTRICT, PIN 682 305

BY ADVS.SRI.P.MOHAMED SABAH
SRI.T.I.SAFDARSHAH
SRI.LIBIN STANLEY

RESPONDENT(S) :

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1. THE MAHATMA GANDHI UNIVERSITY
REPRESENTED BY VICE CHANCELLOR
MAHATMA GANDHI UNIVERSITY, UNIVERSITY P.O
KOTTAYAM DISTRICT 686 001
 2. THE REGISTRAR,
MAHATMA GANDHI UNIVERSITY, UNIVERSITY P.O
KOTTAYAM DISTRICT 686 001
 3. THE CONTROLLEER OF EXAMINATIONS,
MAHATMA GANDHI UNIVERSITY, UNIVERSITY P.O
KOTTAYAM DISTRICT 686 001

R1-R3 BY ADV. SRI.VARUGHESE M.EASO, SC, M.G.UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
27-10-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 30297 of 2015 (J)

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT P1 TRUE COPY OF THE HALL TICKET OF THE 1ST PETITIONER ISSUED BY
THE 1ST RESPONDENT UNIVERSITY FOR THE 5TH SEMESTER B-TECH DEGREE
EXAMINATION

EXHIBIT P2 TRUE COPY OF THE MASS REPRESENTATION DATED 15-09-2015
SUBMITTED BY THE PETITIONERS AND OTHER 16 CANDIDATES BEFORE THE 3RD
RESPONDENT

RESPONDENT(S) ' EXHIBITS

ANNEXURE R1(A)-TRUE COPY OF THE JUDGMENT DATED 11.1.2013 IN
W.A.NO.24/2013 OF THIS HON'BLE COURT.

TRUE COPY

SKS

P.A TO JUDGE

V.CHITAMBARESH, J.

W.P(C)NO. 30297 OF 2015

Dated this the 27th day of October, 2015

JUDGMENT

The prayers in the writ petition are as follows:

- "1. Issue a writ of mandamus or any other appropriate writ, order or direction directing respondents to conduct the remaining semester supplementary examinations of the old syllabus B-Tech Civil Engineering along with the 3rd, 6th, 7th and 8th semester supplementary examinations proposed to be scheduled in November, 2015.
2. Issue a writ of mandamus or any other appropriate writ, order or direction directing the 3rd respondent to consider and dispose Ext.P2 representation submitted by the petitioners and other candidates.
3. Issue such other writ, orders or directions, which this Hon'ble Court may deem fit and proper in the interest of justice and circumstances of the case."

2. The issue is covered by Annexure R1(a) judgment of the Division Bench of this Hon'ble Court wherein the following observations of the Single Judge are quoted:

"As far as the system for conducting examination is concerned, it will be governed by the regulations and rules from time to time. If the argument of the learned Senior

Counsel for the petitioners that it will have to go by the year of admission, is accepted, then separate examinations will have to be conducted for persons who have been admitted for various years along with regular students and others. There cannot be a vested right for a scheme of examination based on the year of admission. Any change in the regulations will apply to everybody. The same will be a cumbersome procedure for W.A No.42 of 2013 the University. The method should have some definiteness and the students have already been told about the same also, in the light of Annexure R1(a). In fact, the University will be conducting examinations for the persons like the petitioners also and the schedule has been already stated".

3. The prayers of the petitioners cannot therefore be acceded to.

4. Nothing said above will disable the third respondent to take any decision he likes on Ext.P2 representation put in by the petitioners expeditiously and take follow up action.

The writ petition is disposed of as above.

V.CHITAMBARESH, JUDGE

sks

