

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

W.P.(C).No.34945 of 2011 (P)

PETITIONER(S):-

RAJMOHAN,G.S.,
T.C 17/2088 (2), "GANGOTHRI",
CHERUVILA LANE, DR.PAI ROAD, POOJAPPURA,
TRIVANDRUM.

BY ADVS.SRI.NAGARAJ NARAYANAN
SRI.PRATHAP PILLAI
SRI.SAIJO HASSAN
SRI.BENOJ C AUGUSTIN
SRI.SEBIN THOMAS
SRI.I.J.AUGUSTINE
SRI.M.NOOHUKUNJU SAHIB
SMT.J.KASTHURI.

RESPONDENT(S):-

1. UNIVERSITY OF KERALA,
REPRESENTED BY ITS VICE-CHAIRMAN, KERALA UNIVERSITY,
THIRUVANANTHAPURAM.
2. THE CONTROLLER OF EXAMINATION,
KERALA UNIVERSITY, THIRUVANANTHAPURAM.

R1 & 2 BY STANDING COUNSEL SRI.BECHU KURIAN THOMAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER(S) EXHIBITS:-

- EXHIBIT P1. TRUE COPIES OF MARK SHEETS ISSUED BY THE
IST RESPONDENT FOR SEMESTERS 1 TO 6 AS
DEPICTED IN THE TABULAR STATEMENT.
- EXHIBIT P2. TRUE COPY OF THE MEMORANDUM ISSUED BY THE
FIRST RESPONDENT DATED 13.10.2008 AS TO REVALUATION
RESULTS OF THE PETITIONERS 4TH SEMESTERS EXAMINATION.
- EXHIBIT P3. A TRUE COPY OF THE PETITIONERS REPRESENTATION TO
THE 2ND RESPONDENT DATED 28.01.2008.
- EXHIBIT P4. A TRUE COPY OF THE MEMO ISSUED BY THE 2ND RESPONDENT
DATED 10.2.2009.
- EXHIBIT P5. TRUE COPY OF THE PETITIONER SOUGHT DETAILS OF
REGULATIONS WITH REGARD TO LLB EXAMINATION FOR THE
PERIOD 2004-2007 FROM THE PUBLIC INFORMATION OFFICER OF
THE IST RESPONDENT UNDER THE RIGHT TO INFORMATION ACT.
- EXHIBIT P6. TRUE COPY OF THE CLARIFICATIONS OBTAINED FROM THE
PUBLIC INFORMATION.

RESPONDENTS' EXHIBITS:-

- EXHIBIT R1(a) TRUE COPY OF THE ORDER NO.Ac.A.III/2/139/2006
DATED 25.09.2006.

vku/-

(true copy)

K.Vinod Chandran, J.

W.P.(C).No.34945 of 2011-P

Dated this the 23rd day of January, 2015

JUDGMENT

The petitioner is aggrieved with the fact that he has not been granted First Class in the graduate LL.B. course of the University of Kerala despite his having obtained 60% marks.

2. The reason for such denial of First Class was due to the regulations of the University specifying conferring of such distinctive class only to students who have appeared and qualified in the examinations in a single sitting. Hence, only a student who has appeared in the regular examinations and has qualified in the same alone, would be considered for conferment of such distinctive class.

3. The petitioner admittedly did not appear in the regular examination of the 4th semester. The petitioner contends that such non-appearance was only due to a medical condition. It is to be immediately noticed that, but for the petitioner's assertion there is nothing produced to show that he had a medical condition and that he had applied for a leave on that count.

4. In any event, such contingencies are taken into account by the University in Exhibit P6 Regulation. A candidate who could not appear for an examination for reasons beyond his control or who could

not answer questions to his satisfaction, the University has introduced a provision for cancellation of examinations. It is specifically indicated that, appearance after cancellation of examinations would be treated as first appearance for all purposes. Hence, petitioner had to cancel the 4th semester examinations, for which an application had to be submitted within a fortnight from the date on which the petitioner had taken the last examination., i.e., the last paper. Obviously no such application had been filed.

5. Going by the Regulations, there can be no arbitrariness found. In fact the petitioner's hardship, is a situation, which has been taken into account by the University and provided mitigating measures, which the petitioner has not availed of.

For all the above reasons, the writ petition is found to be devoid of merit and the same is accordingly dismissed. No costs.

Sd/-
K.Vinod Chandran
Judge

vku/-

(true copy)