

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 32942 of 2014 (P)

PETITIONER(S):

1. SAIDALY S.,
5TH SEMESTER STUDENT IN MECHANICAL ENGINEERING,
UKF COLLEGE OF ENGINEERING & TECHNOLOGY, MEENAMBALAM,
PUTHENKULAM P.O., VIA-PARIPPALLY, KOLLAM DISTRICT,
PIN-691 302, RESIDING AT KANJIRAMVILA PUTHEN VEEDU,
PERUMPUZHA P.O., KERALAPURAM, KOLLAM DISTRICT,
PIN-691 504.
2. AJU LAL H.S.,
5TH SEMESTER STUDENT IN MECHANICAL ENGINEERING,
UKF COLLEGE OF ENGINEERING & TECHNOLOGY, MEENAMBALAM,
PUTHENKULAM P.O., VIA-PARIPPALLY, KOLLAM DISTRICT,
PIN-691 302, RESIDING AT CHANDRAMANGALAM, EDAYAM P.O.,
VALAKAM, KOTTARAKKARA, KOLLAM DISTRICT.

BY ADV. SRI.ANOOP.V.NAIR

RESPONDENT(S):

1. KERALA UNIVERSITY,
THIRUVANANTHAPURAM, PIN-695 001,
REPRESENTED BY ITS REGISTRAR
2. THE VICE CHANCELLOR,
KERALA UNIVERSITY, THIRUVANANTHAPURAM, PIN-695 001.
3. THE CONTROLLER OF EXAMINATIONS, KERALA UNIVERSITY,
THIRUVANANTHAPURAM, PIN-695 001.
4. THE PRINCIPAL,
UKF COLLEGE OF ENGINEERING & TECHNOLOGY, MEENAMBALAM,
PUTHENKULAM P.O., VIA-PARIPALLY, KOLLAM DISTRICT,
PIN-691 302

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

R4 BY ADV. SRI.C.R.SIVAKUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
21-01-2015, ALONG WITH WPC. 33661/2014 & WPC. 33702/2014,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 32942 of 2014 (P)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXT. P1:-TRUE COPY OF THE RECEIPT ISSUED TO THE 1ST PETITIONER
DTD 4/11/2014.**

**EXT. P2:-TRUE COPY OF THE RECEIPT ISSUED TO THE 2ND PETITIONER
DTD 29/10/2014.**

**EXT. P3:-TRUE COPIES OF THE STATEMENTS OF ATTENDANCE IN RESPECT OF THE
PETITIONERS .**

EXT. P4:-TRUE COPIES OF THE APPLICATIONS SUBMITTED BY THE PETITIONERS.

**EXT. P5:-TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE 1ST PETITIONER
BEFORE THE 4TH RESPONDENT DTD 5/12/2014.**

**EXT. P6:-TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE
2ND PETITIONER BEFORE THE 4TH RESPONDENT DTD 5/12/2014.**

**EXT. P7:-TRUE COPY OF COMBINED ATTENDANCE STATEMENT OF THE
PETITIONERS IN THE 5TH SEMESTER, SHOWING THAT THE HALF DAY
ATTENDANCE OF THE PETITIONER.**

RESPONDENT(S)' EXHIBITS:

**EXT.R4(1): THE TRUE COPY OF THE 1ST RESPONDENT'S RELEVANT PART
REGULATION FOR B.TECH DEGREE COURSE.**

**EXT.R4(2): THE TRUE COPY OF THE STUDENTS ATTENDANCE DETAILS FOR THE
B.TECH MECHANICAL ENGINEERING DATED 26.11.2014.**

//TRUE COPY//

P.S.TO JUDGE

Msv/

K.VINOD CHANDRAN, J.
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**W.P.(C) Nos. 32942/2014, 33661/2014 &
33702/2014**
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Dated this the 21st day of January, 2015

JUDGMENT

The petitioners are all students of the UKF College of Engineering and Technology, who is impleaded in all the above writ petitions as a respondent. The respondent college is affiliated to the University of Kerala. The issue raised in the above writ petitions is with respect to the attendance shortage of the petitioners herein, who were continuing in the 5th semester of the B. Tech course of the college. Admittedly, the students had attendance shortage. The regulation of the university mandates that a student should have at least 75 % attendance and the condonation can be only up to 60 % but, however, only if it is recommended by the Principal.

2. The respondent college has appeared and had filed an affidavit submitting that to ensure discipline and regular attendance of the students, the respondent has devised a

method by which the attendance is declined for half a day to a student who absents himself even from one period in a session, ie, in the morning or afternoon session. In fact, the prospectus very clearly states so.

3. However, the regulation of the University mandates that the attendance has to be taken on the basis of the total periods in a semester. The attendance percentage hence has to be determined first by calculating the actual periods attended by a student and determining the same by computing the working days attended on the basis of seven periods counted as one working day. Only in the context of the University regulations, this Court directed the Principal of the college to file a statement as to the attendance percentage on the basis of such stipulation of the University.

4. The respondent college has fairly filed a statement in which it has been stated that all the petitioners would have the required percentage of attendance and in such circumstance the Principal would, if this Court directs,

recommend the applications. The learned counsel appearing for the respondent college would also contend that without implementation of the attendance stipulation, as per the prospectus, it is difficult to ensure discipline in the college. The respondent college, in fact, raises serious apprehensions with respect to the students not regularly attending the morning and afternoon sessions and keeping away from many of the periods. This Court is also of the opinion that a valid measure brought out by the college to ensure discipline cannot be interfered with by this Court. It is to be noticed that the University only prescribes the minimum required attendance percentage and the Principal has to recommend it for the consideration of the University. Hence an amount of leeway is given to the college also to prescribe more rigorous conditions.

5. Only in the circumstance that the petitioners would be prejudiced insofar as the examination itself is over and they would have to repeat the 5th semester; this Court would direct the Principal to forward the applications with due

recommendations, if such applications are submitted within a week from today. The students shall also be permitted to be enrolled in the 6th semester provisionally subject to the orders passed by the Vice Chancellor.

6. It is made clear that the above judgment is rendered only on the facts of the case and since there was an alleged anomaly as to the regulations of the University and the stipulation of the college. This Court in fact has found that there is no such anomaly and the college is entitled to decline recommendation on the basis of attendance shortage as stipulated by the college. The Principal would be entitled to publish such notification in the notice board and it is re-iterated that this judgment will not be taken as a precedent.

Writ petition is disposed of.

Sd/-

K.VINOD CHANDRAN, JUDGE

vdv //True Copy// P.A to Judge