

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 30TH DAY OF MARCH 2015/9TH CHAITHRA, 1937

WP(C).No. 35350 of 2014 (P)

PETITIONER(S)/PETITIONERS:

1. **SRUTHI T.G. ,
2ND YEAR STUDENT OF B.TCH(CIVIL ENGINEERING)
AGED 21 YEARS, D/O.GOPI T. S.
THALIYAKULAM HOUSE, P O CHENGALUR, MARAVANCHERY,
TRICHUR-680312.**
2. **SARISHMA M .S.,
2ND YEAR STUDENT OF B. TECH(COMPUTER SCIENCE)
AGED 20 YEARS, D/O.M. SATHYAN,
MANIYANAMPARAMBIL HOUSE, NANDIPULAM P. O.,
TRICHUR-680312.**

**BY ADVS.SRI.K.I.MAYANKUTTY MATHER
SRI. R. JAIKRISHNA**

RESPONDENT(S)/RESPONDENTS:

1. **UNIVERSITY OF CALICUT,
REP BY ITS REGISTRAR, CALICUT UNIVERSITY , THENHIPALAM
MALAPPURAM DIST, PIN-673635.**
2. **CONTROLLER OF EXAMINATIONS,
TECHNICAL EDUCATION DEPARTMENT,
UNIVERSITY OF CALICUT, PAREEKSHA BHAVAN, THENHIPALAM,
MALAPPURAM DIST, PIN-673635.**
3. **SREE ERNAKULATHAPPAN COLLEGE OF ENGINEERING AND MANAGEMENT,
INJAKUNDU P O, MUPILIYAM, TRICHUR-680312.
REP BY ITS CHAIRMAN DR VENKITRAMAN P R**

4. GOVERNMENT OF KERALA
REP BY PRINCIPAL SECRETARY,
DEPARTMENT OF HIGHER EDUCATION, SECRETARIAT,
THIRUVANANTHAPURAM-695001.

R1 & R2 BY SRI.SANTHOSH MATHEW, SC,CALICUTY UNIVERS
R3 BY ADV. SRI.P.RAHUL
R4 BY GOVERNMENT PLEADER SRI.R.RANJITH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-03-2015, ALONG WITH WP(C) NO. 35544/2014 ,THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

vmr.

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1:-TRUE COPY OF THE MARK SHEET OF THE 1ST PETITIONER DTD
20/5/2011.

EXHIBIT P1(A):-TRUE COPY OF THE MARK SHEET OF THE 1ST PETITIONER DTD
21/7/2011.

EXHIBIT P2:-TRUE COPY OF THE MARK SHEET OF THE 2ND PETITIONER DTD NIL

EXHIBIT P3:-TRUE COPY OF THE RELEVANT PAGES OF THE PROSPECTUS OF KEAM
EXAMINATIONS 2013 DTD NIL.

EXHIBIT P4:-TRUE COPY OF THE CALICUT UNIVERSITY REGULATIONS B TECH
ENGINEERING DEGREE COURSE DTD NIL

EXHIBIT P5:-TRUE COPY OF THE SPECIAL ORDER OF THE CALICUT UNIVERSITY DTD
9/9/2013.

EXHIBIT P6:-TRUE COPY OF THE HALL TICKET OF THE 1ST PETITIONER DTD NIL.

EXHIBIT P6(A):-TRUE COPY OF THE HALL TICKET OF THE 2ND PETITIONER DTD NIL

EXHIBIT P7:-TRUE COPY OF THE COMMUNICATION ISSUED BY THE 2ND
RESPONDENT TO THE PRINCIPAL OF THE 3RD RESPONDENT DTD
13/11/2014.

EXHIBIT P8:-SAMPLE COPY OF THE CBSE MARK LIST DTD 21/5/2010.

EXHIBIT P9:-TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT
IN IA NO 3913 OF 2013 IN WPC NO 28065 OF 2012 DTD 13/3/2013.

EXHIBIT P10:- TRUE COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

K.VINOD CHANDRAN, J

W.P.(C).Nos. 35350 & 35544 of 2014

Dated 30th March, 2015

JUDGMENT

The petitioners are students who have been admitted to B.Tech Courses in the Sree Ernakulathappan College of Engineering and Management and MET's School of Engineering which are impleaded in the respective writ petitions as the 3rd respondent. The petitioners were all admitted under the NRI quota in the Management seats against the Regulations of the University.

2. The Regulations of the University and the prospectus brought out by the Government of Kerala, for admission to the B.Tech courses, prescribe for minimum 50% marks in Mathematics as also an aggregate of 50% in Physics, Chemistry and Mathematics. This is the requirement for admission on the merit quota, for which entrance examinations are conducted by

the Controller of Examinations and on the basis of the rank, allotments are made to Government Colleges as also to the 50% seats reserved for meritorious candidates in the Self Financing Colleges, the fees of which are also regulated by a Committee constituted for the said purpose. The Management seats are set apart for the Self Financing Colleges, since no financial assistance is provided by the Government. However, the admission requirement and the eligibility conditions are one and the same. No person/student having not acquired the minimum eligibility conditions are permitted to be admitted to the Colleges.

3. The petitioners herein, invariably all of them, do not have the minimum required eligibility condition for admission to the B.Tech Courses to which they have been admitted. The admission obviously is merely on the basis of the fees offered by them to be continued in

the course. The petitioners were admitted in the year 2013-14 and at the first instance itself, University had informed the Colleges that the petitioners were not eligible to be admitted and they were denied participation in the examinations and the results of the 1st and 2nd semesters were withheld.

4. When the 3rd semester examinations were scheduled, the petitioners filed the aforesaid writ petitions before this Court, seeking participation in the 3rd semester examinations. An interim order was passed on 30.12.2014 directing provisional participation; however making it clear that the same is provisional and subject to the result of the writ petition. It was also specifically observed that the participation would not confer any right upon the petitioners, even on the ground of equity, if the petitioners finally happen to lose the battle (legal).

5. Subsequently, the University passed an order dated 20.03.2015 by which the prayer of the petitioners were rejected for reason of their having no minimum eligibility as prescribed in the prospectus of the Government and required by the Regulations of the University. The said order is challenged by way of an amendment and the amended writ petitions are before this Court challenging Exts.P8 and P10 orders produced in W.P(C)s. 35544/2014 and 35350/2014 respectively.

6. Exts.P8 and P10 list out the marks of each of the petitioners from which it is evident that none of them have the required minimum eligibility criteria as per the University Regulations.

7. The learned counsel for the petitioners would urge that in a similar situation which

occurred in the academic year 2011, the University had considered the issue of such admission and granted relaxation insofar as the continuance of such students on a further condition that the Mathematics papers in the combined 1st and 2nd semester would be qualified, before they are permitted to participate in the 5th semester examinations. In fact, the said students, having failed to comply with such conditions, had approached this Court and this Court had by judgment dated 08.04.2014 in W.P. (C).5621 of 2014 rejected their prayer for revaluation on the ground that applications were grossly delayed. The learned counsel would in fact rely on the concession granted to such students admitted in the year 2011 to be extended to the petitioners also.

8. This Court is of the opinion that, such illegality cannot be perpetrated in every academic year, which would only lead to Self

Financing Colleges admitting students who are not eligible as per the prospectus and continuing them and eventually claiming equity on the basis of such admissions made. This Court, as pointed out by the learned Standing Counsel, would not interfere with the minimum requirements for admission to professional courses as prescribed in the Regulations of the University and the prospectus issued by the Government. Academic excellence would be rendered nugatory and mere money-power would then regulate the admissions to professional colleges which, this Court would not encourage. Nor is this Court entitled to invoke the extraordinary jurisdiction under Article 226 of the Constitution of India to interfere with the valid Regulations of the University as also cause interference of the minimum requirements made by the Government of Kerala for admissions to professional colleges. The mere fact that an irregular admission granted in an academic year

was regularized, cannot be a ground, much less an equitable ground, to extend it to the subsequent years. Any such measure would send wrong signals to the academic community as such and give an upper hand to the Self Financing Colleges to demand more fees, which would reduce education to an exercise of extortion. For all the above reasons, this Court does not find any reason to consider the prayer of the petitioners. Exts.P8 and P10 would stand sustained.

The writ petitions would stand dismissed.

Sd/-

K.VINOD CHANDRAN
Judge

Mrcs

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