

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

TUESDAY, THE 24TH DAY OF NOVEMBER 2015/3RD AGRAHAYANA, 1937

WP(C).NO. 35192 OF 2015 (Y)

PETITIONER(S):

NASMA NASAR, AGED 22 YEARS,
D/O. ABDUL NASAR, PURAKKULAM HOUSE, P.O. VALAPAD,
KOTHAKKULAM, THRISSUR DISTRICT - 680 567.

BY ADVS.SRI.K.M.FIROZ
SMT.M.SHAJNA
SRI.S.KANNAN

RESPONDENT(S):

- 1 THE UNIVERSITY OF CALICUT,
CALICUT UNIVERSITY P.O., MALAPPURAM DISTRICT-673 675.
REPRESENTED BY ITS REGISTRAR.
- 2 THE CONTROLLER OF EXAMINATIONS,
THE UNIVERSITY OF CALICUT,
CALICUT UNIVERSITY P.O., KOZHIKODE-673 635
- 3 THE COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY,
COCHIN UNIVERSITY P.O., ERNAKULAM DISTRICT,
REPRESENTED BY ITS REGISTRAR - 682 024
- 4 THE CONTROLLER OF EXAMINATIONS,
THE COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY,
COCHIN UNIVERSITY P.O., ERNAKULAM DISTRICT-682 024.
5. THE BHAVAN'S ROYAL INSTITUTE OF MANAGEMENT
THIRUVAMKULAM, TRIPUNITHURA, ERNAKULAM DISTRICT-682 301
REPRESENTED BY ITS DIRECTOR.

R BY SRI.MILLU DANDAPANI
R BY SRI.SANTHOSH MATHEW,SC,CALICUTY UNIVERS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- EXHIBIT P1 : A TRUE COPY OF THE GRADE SHEET ISSUED BY THE 1ST RESPONDENT UNIVERSITY TO THE PETITIONER DATED 5.11.2012 IN RESPECT OF 1ST AND II ND SEMESTER EXAMINATION
- EXHIBIT P1(A) : A TRUE COPY OF THE GRADE SHEET ISSUED BY THE 1ST RESPONDENT UNIVERSITY TO THE PETITIONER DATED 23.5.2013 IN RESPECT OF III RD SEMESTER EXAMINATION.
- EXHIBIT P1(B) : A TRUE COPY OF THE GRADE SHEET ISSUED BY THE 1ST RESPONDENT UNIVERSITY TO THE PETITIONER DATED 18.12.2013 IN RESPECT OF IVTH SEMESTER EXAMINATION
- EXHIBIT P1(C) : A TRUE COPY OF THE GRADE SHEET ISSUED BY THE 1ST RESPONDENT UNIVERSITY TO THE PETITIONER DATED 9.3.2015 IN RESPECT OF VTH SEMESTER EXAMINATION.
- EXHIBIT P1(D) : A TRUE COPY OF THE GRADE SHEET ISSUED BY THE 1ST RESPONDENT UNIVERSITY TO THE PETITIONER DATED 8.5.2015 IN RESPECT OF VITH SEMESTER EXAMINATION.
- EXHIBIT P1(E) : A TRUE COPY OF THE GRADE SHEET ISSUED BY THE 1ST RESPONDENT UNIVERSITY TO THE PETITIONER DATED 12.6.2015 IN RESPECT OF VIITH SEMESTER EXAMINATION.
- EXHIBIT P2 : A TRUE COPY OF THE 8TH SEMESTER EXAMINATION RESULT SLIP IN RESPECT OF THE PETITIONER OF B.TECH DEGREE COURSE PUBLISHED BY THE RESPONDENT UNIVERSITY IN ITS WEBSITE
- EXHIBIT P3 : A TRUE COPY OF THE FEE RECEIPT ISSUED BY THE 5TH RESPONDENT IN CONNECTION WITH ADMISSION TO MBA 2015-17 BATCH TO THE PETITIONER.
- EXHIBIT P4 : A TRUE COPY OF THE TIME TABLE DATED 3.11.2015 FOR THE 1ST SEMESTER MBA DEGREE COURSE EXAMINATIONS COMMENCING FROM 30.11.2015 PUBLISHED BY THE 4TH RESPONDENT.
- EXHIBIT P5 : A TRUE COPY OF THE REPRESENTATION DATED 14.10.2015 SUBMITTED BY THE PETITIONER BEFORE THE CHANCELLOR OF THE UNIVERSITY (GOVERNOR OF KERALA) WITH COPY TO THE 2ND RESPONDENT CONTROLLER OF EXAMINATIONS

RESPONDENTS' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

K. HARILAL, J.

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W.P. (C) No.35192 of 2015

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Dated this the 24th day of November, 2015

J U D G M E N T

The petitioner had joined for B.Tech Degree course conducted by IES College of Engineering, Thrissur affiliated to the 1st respondent, University of Calicut and had completed the said course during the academic year 2011-15. She appeared for all the examinations conducted by the University from semesters 1 to 8 at appropriate times and she passed in all examinations, including the final semester examinations except in two subjects/papers in the 6th semester, i.e., Basis of VLSI Design and Control Systems. Since, the petitioner could not pass in the above mentioned two papers of 6th semester, she appeared for the supplementary examination for those papers during May, 2015. Besides, she had also applied for the 8th semester

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examination conducted by the University during May, 2015 itself. The 8th semester examinations result of the petitioner was published by the University and the petitioner has passed the said semester examinations. However, the supplementary examination result of the afore mentioned two papers of the 6th semester, in which the petitioner had appeared in May, 2015 has not yet been published and the petitioner has been waiting for the publication of the said result.

2. In the meantime, she has joined for MBA Degree course in the 5th respondent college affiliated to the 3rd respondent University. She had paid the 1st semester fee and she had undergone the course conducted by the 5th respondent College. While so, the 3rd respondent-University has published a time table for the 1st semester examination for MBA Degree course, commencing from 30.11.2015. The grievance of the petitioner is that the College has informed the petitioner

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that unless she produces the proof that she has passed in all the papers of the B.Tech. course, she will not be allowed to appear in the examinations, which is scheduled to be held on 30.11.2015. If the petitioner is not allowed to attend the 1st semester examination for the MBA course, she will be put to irreparable hardship and loss of one semester. Hence, the petitioner has filed this Writ Petition with the following prayers:

- i. To call for the records leading to Exhibits P1 to P5 and direct the 1st and 2nd respondents to publish the Petitioner's 6th semester examination result attended by the petitioner as per Reg. No. ISALEEC 020 of University of Calicut as expeditiously as possible at any rate before 27.11.2015 by issuing a writ of mandamus or any other appropriate Writ direction or Order.*
- ii. To direct the respondents 3 to 5 to permit the petitioner to attend the 1st semester MBA degree examination scheduled by the 4th respondent as per Ext.P4 time table or as adjourned from time to time and all examination thereafter and the course pending publication of 6th semester result of the Petitioner by the First respondent University of Calicut by issuing a writ of mandamus or any other appropriate Writ*

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direction or Order.

3. Heard the learned counsel for the petitioner and learned Standing Counsel appearing for the respective Universities.

4. Learned Standing Counsel for the 3rd respondent submits that the petitioner was admitted in the MBA course on an assurance that the result of the two papers in the 6th semester examination will be produced, before the examination of the 1st semester MBA, which is scheduled to be held on 30.11.2015 and she cannot be allowed to appear in the examination, unless she produces a proof to show that she has passed all papers of 6th semester examination of B.Tech. course.

5. It stands admitted that the petitioner has been given admission to MBA course, without production of the certificate, which would show that the petitioner has passed the supplementary examinations of two subjects,

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referred above, of 6th semester B.Tech. examination. Therefore, I am of the view that the admission for MBA had been given to the petitioner at the risk and cost of the petitioner and the 5th respondent.

6. In the above view, the petitioner is allowed to attend the 1st semester MBA examination, which is scheduled to be held on 30.11.2015 at the risk and cost of the petitioner and the 5th respondent. This permission is provisional only, subject to the production of proof that she has passed the supplementary examinations of two subjects, referred above, of the 6th semester B.Tech. examination.

7. If the petitioner fails, in the two subjects, referred above, of the supplementary examination, respondents 3 to 5 will be at liberty to take any decision in accordance with rule, including the expulsion of the petitioner from the course. The 1st respondent/University is also directed to publish the result of the 6th semester

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supplementary B.Tech. examination, at the earliest, at any rate, within a period of six weeks from the date of production of a copy of this judgment.

This Writ Petition is disposed of accordingly.

Sd/-
K. HARILAL,
JUDGE

DST

//True copy//

P.A. To Judge