

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

THURSDAY, THE 26TH DAY OF NOVEMBER 2015/5TH AGRAHAYANA, 1937

WP(C).No. 35862 of 2015 (G)

PETITIONERS:

1. FARISA T.P., AGED 22 YEARS,
D/O. ABDUL RAHMAN P.V.,
PATTAKKAL P.O., OZHINHAVALAPPU-671 314.
2. AMRUTHA MADHU K., AGED 22 YEARS,
D/O. MADHU K., KALATHERA HOUSE, CHEERMAKAVU,
PALAKKAT, NILESWAR-671 314.
3. MUSTHAFSIL V.P., AGED 22 YARS,
S/O. N. SHAHUL HAMEED, AYSHA MANZIL,
BEERICHERI, TRIKARIPUR, KASARAGOD-671 310.

BY ADV. SRI.J.OM PRAKASH

RESPONDENTS:

1. THE KERALA UNIVERSITY OF HEALTH SCIENCES,
REPRESENTED BY ITS REGISTRAR,
THRISSUR P.O., PIN-680 596.
2. THE CONTROLLER OF EXAMINATIONS,
KERALA UNIVERSITY OF HEALTH SCIENCES,
THRISSUR P.O., PIN-680 596.
3. THE PRINCIPAL, RAJIV GANDHI INSTITUTE OF PHARMACY,
TRIKARIPUR P.O., KASARAGOD-671 121.

R1 & R2 BY SRI.P.SREEKUMAR,SC,
THE KERALA UNIVERSITY OF HEALTH SCIENCES,

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 26-11-2015, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

W.P. (C) NO.35862 OF 2015

APPENDIX

PETITIONERS' EXHIBITS

EXT.P1 - TRUE COPY OF THE RELEVANT PORTION OF THE
NOTIFICATION DATED 2/11/2015 ISSUED BY THE 2ND
RESPONDENT.

EXT.P2 - TRUE COPY OF THE ORDER IN W.P.(C) NO.19831/15
DATED 1/7/2015.

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P.S. to Judge

K. HARILAL, J.

W.P. (C) No. 35862 of 2015-G

Dated this the 26th day of November, 2015

JUDGMENT

The petitioners are studying for B. Pharm Course in the 3rd respondent College. The grievance of the petitioners is that though they have attempted to register for the final year examination, it was not allowed by saying that without passing all the papers in the second year, they cannot be allowed to register for the final year examination. Hence they filed this writ petition seeking a direction to the respondents to allow the petitioners to register for the final year examination, without passing the second year B. Pharm examination.

2. The learned counsel for the respondents submits that the relief prayed for by the petitioners in this writ petition cannot be allowed in view of Clause 3.11 - Criteria for Promotion in the Regulation of the respondent/University. The learned counsel further drew my attention to the said Clause and submits that unless the candidates passed the second year B. Pharm examination, they are not allowed to register for final year B. Pharm examination.

3. I have given my anxious consideration to Clause 3.11 which specifically stipulates that “for registering for third B. Pharm, the candidate should have passed in all subjects of First B. Pharm and for registering for final B. Pharm examination, the candidate should have passed in all subjects of Second B. Pharm”. In the instant case, admittedly, the petitioners have not passed the second year B. Pharm examination. It follows that they cannot be allowed to register for final year B. Pharm

examination.

Therefore, I find that the denial of registration for final B. Pham is neither illegal nor arbitrary; but the same is in accordance with Clause 3.11 of the Regulation only. Thus, there is no reason to interfere with the denial of registration for final B. Pharm examination in exercise of the jurisdiction and power under Art.226 of the Constitution of India.

This writ petition is devoid of merits and dismissed accordingly.

Sd/-

(K. HARILAL, JUDGE)

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P.S. to Judge