

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 8046 of 2015 (E)

PETITIONER

**AHAMED FAYIZ. C ,
AGED 24 YEARS
S/O.AHAMED ABDUL RASHEED, CHEMALASSERY HOUSE
CHOMARI GARDENS, KODATHIPADI, MANNARGHAT
PALAKKAD DISTRICT, PIN 678 582.**

**BY ADVS.SRI.K.M.SATHYANATHA MENON
SMT.KAVERY S THAMPI**

RESPONDENT(S):

- 1. THE REGISTRAR
MAHATMA GANDHI UNIVERSITY, KOTTAYAM 686 560.**
- 2. THE CONTROLLER OF EXAMINATIONS
MAHATMA GANDHI UNIVERSITY, KOTTAYAM 686 560.**
- 3. THE COMMISSIONER FOR ENTRANCE EXAMINATIONS
THIRUVANANTHAPURAM 695 001.**
- 4. THE SECRETARY
HIGHER EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM 695 001.**

**R BY GOVERNMENT PLEADER SRI. R. RANJITH
R BY SRI.VARGHESE M.EASO, SC, M.G.UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1.** **COPY OF THE FIRST PAGE AND RELEVANT PAGE OF THE RANKED LIST PUBLISHED BY 3RD RESPONDENT WITH RESPECT TO ADMISSION FOR LLM COURSE 2014-15.**
- EXHIBIT P2.** **COPY OF THE NOTIFICATION DATED 10.3.15 ISSUED BY THE 3RD RESPONDENT.**
- EXHIBIT P3.** **COPY OF THE G.O(RT)NO.407/2015/H.EDN DATED 28.2.15.**
- EXHIBIT P4.** **COPY OF THE RECEIPT ISSUED BY THE OFFICE OF THE RESPONDENTS 1 AND 2.**
- EXHIBIT P4(A).** **COPY OF THE RECEIPT ISSUED BY THE OFFICE OF THE RESPONDENTS 1 & 2.**

RESPONDENT(S)' EXHIBITS

NIL

TRUE COPY

P.A TO JUDGE

SMM

K. VINOD CHANDRAN, J.

.....
W.P.C. No. 8046 of 2015

.....
Dated this the 17th day of March, 2015.

J U D G M E N T

The petitioner is an LLB student who is said to have completed the Course in 2014. The petitioner is said to have appeared for the 9th semester examination in July 2014 and the 10th semester in December 2014. Both the semesters results were published simultaneously on 3-3-2015. The petitioner found that he had failed in one of the papers of the 9th semester being Law of Taxation II. The petitioner has applied for scrutiny and revaluation.

2. The petitioner's grievance is in so far as he has obtained high rank in the entrance examination for the post graduate degree LLM and the petitioner is called for an allotment as per Ext.P2, which allotment is scheduled today. The petitioner prays that provisionally he may be permitted to be admitted to the LLM Course subject to the

reevaluation results being published.

3. The learned Counsel for the respondent University submits that the results were published on 3-3-2015 and the last date for submission of reevaluation application was 13-3-2015. It is also submitted that 15 days time is granted for scrutiny and then the University requires a further time of 60 days for reevaluation of the papers.

4. Reevaluation is a benefit conferred on the student, by the regulations of the University, by which the student who has failed in the particular paper or papers can seek for second valuation on the ground that he had in fact performed well in the examination. However, if permission is granted to the petitioner to be admitted provisionally to the LLM course, it would result in one of the students who had qualified in the LLB examination being denied such seat. Eventually, if the reevaluation goes against the petitioner, then the petitioner would have to be removed from the LLM course. Hence, the petitioner who at this point of time does not have the qualification of LLB, despite his higher rank in the entrance examination for LLM cannot

be directed to be provisionally admitted.

5. It is also to be noticed that if such direction is granted and the results published after 75 days goes against the petitioner, then he would have to be sent out of the course for reason of the eligibility condition having not been satisfied. The last date of admissions will be over by 31-3-2015. An eligible student, hence would stand denied the admission only by reason of the provisional direction issued by this Court.

In such circumstance, one student who was eligible to be admitted now would have been denied in the said seat. It will not be proper for this Court to pass an order without hearing that student also. In such circumstance, provisional admission to the LLM course cannot be granted. However the submission of the University that the results would be published at any rate within 75 days is recorded.

In the result, the writ petition is dismissed.

K. VINOD CHANDRAN.
JUDGE

smm

smm

