

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 24TH DAY OF OCTOBER 2019 / 2ND KARTHIKA, 1941

WP(C).No.28182 OF 2019(W)

PETITIONER/S:

- 1 SHEBIN JOSEPH
AGED 20 YEARS
S/O D.P JOSEPH, CHAKKITTAPARAMBIL (H) ., KARUVITTA
NORTH (P.O) , ALAPPUZHA DISTRICT - 690 517
- 2 SHARU C.S.
AGED 21 YEARS
S/O SHAJU C.M. , CHERUTHOTTIL (H) , KULAYATHINKARA
(P.O) , ARAYANKAVU , ERNAKULAM DISTRICT - 682 317
- 3 ANANDHU ANIL
AGED 20 YEARS
S/O ANIL I.G. , EENCHERIKUNNIL (H) . , S.H.MOUNT (P.O) . ,
NATTASSERY , KOTTYAM DISTRICT - 686 001
- 4 DEEREJ LALU
S/O. P.S.LALU, NANDANAM, (H) . , PATHIYOOR, CHERVALLY
(P.O) . , KAYAMKULAM, ALAPPUZHA DISTRICT - 690 508

BY ADVS.
SRI.MANU RAMACHANDRAN
SRI.M.KIRANLAL
SRI.T.S.SARATH
SRI.R.RAJESH (VARKALA)
SHRI.AJAY JAYACHANDRAN

RESPONDENT/S:

- 1 THE MAHATMA GANDHI UNIVERSITY
PRIYADARSHINI HILLS, ATHIRUMPUZHA, KOTTAYAM,
REPRESENTED BY ITS REGISTRAR - 686 560
- 2 VICE CHANCELLOR
THE MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS,
ATHIRUMPUZHA, KOTTAYAM - 686 560
- 3 THE REGISTRAR
THE MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS,
ATHIRUMPUZHA, KOTTYAM - 686 560

- 4 THE CONTROLLER OF EXAMINATIONS
THE MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS,
ATHIRUMPUZHA, KOTTYAM - 686 560
- 5 THE BOARD FOR ADJUDICATION OF STUDENTS GRIEVANCE
THE MAHATMA GANDHI UNIVERSITY, PRIYADARSHINI HILLS,
ATHIRUMPUZHA, KOTTYAM - 686 560, REPRESENTED BY ITS
CHAIRMAN
- 6 THE PRINCIPAL
M.C. VARGHESE COLLEGE OF ARTS AND SCIENCE, MANGALAM
CAMPUS, ETTUMANOOR, KOTTAYAM DISTRICT - 686 016

OTHER PRESENT:

R1 TO 5 - SRI.ASOK.M.CHERIAN,SC
R6 - SRI.ADITHYA RAJEEV

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
24.10.2019, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

This writ petition is filed by the petitioner seeking the following reliefs:

- "1) To issue a writ of mandamus or any appropriate writ or direction directing the respondents 1 to 5 to permit the petitioners to attend the 5th semester examination of BBA course pursuant to Ext.P3 notification;*
- 2) To issue writ of mandamus, or any appropriate writ or direction directing the 5th respondent to take up Ext.P4 representation and consider and dispose of the same within a time limit fixed by this Hon'ble Court.*
- 3) To issue a writ of mandamus, or any appropriate writ or direction directing the 6th respondent to allow the petitioners to attend the 5th semester examination of BBA Course pursuant to Ext.P3 notification.*
- 4) To issue a writ of mandamus, or any appropriate writ or direction directing the 6th respondent to furnish the necessary information regarding the attendanc and internal marks of the petitioners to the University within a time limit fixed by this Hon'ble Court."*

2. Basically against the suspension of the petitioners and other students, a complaint is preferred before the Board for Adjudication of Students Grievances, constituted as per the provisions of Chapter 27 of Mahatma Gandhi University

Statutes, 1997. However, petitioners have a case that the examinations are scheduled on and with effect from 25.10.2019, which persuaded the petitioners to approach this Court to explore the possibility of securing an order from this Court to participate in the University examinations, pending disposal of the writ petition or pending adjudication by the Board in accordance with the provisions of the Statutes, 1997. However, I directed the petitioner to take out notice to the Principal of the College by messenger and the Principal of the college appeared through the Counsel before this Court and submitted that the contention put for the by the petitioners that, they were not served with notice prior to suspension is not correct and they were issued with notice on 17.9.2019. It is true, learned Counsel for the petitioners submitted that they have not received any notice. Any how, when it is disputed by the learned Counsel for the petitioners, it becomes a factual circumstances to be adjudicated by a fact finding body.

3. In that view of the matter, I do not think, petitioners are entitled to get any orders permitting them to participate in the examination, especially, when this Court is not informed as to whether petitioners are having sufficient attendance in

accordance with the provisions of the statutes/ordinance. At that point of time, learned Counsel for the petitioner submitted that, it would suffice if a direction is issued to the Board of Adjudication to consider Ext.P4 in accordance with law, and attain finality, and at the earliest possible time.

4. Learned Standing Counsel for the University submitted that Ext.P4 is received only on 22.10.2019 and in accordance with Chapter 27, a serious procedure is to be followed by the Chairman as well as the Board, before finalising the issue.

5. I have heard learned Counsel for the petitioner, learned Standing Counsel for the University and learned Counsel appearing for the Principal of the College and perused the pleadings and documents on record.

6. In view of the submissions made by the respective Counsel, there will be a direction to the 5th respondent to finalise Ext.P4 complaint, in accordance with law, and as per the procedure contemplated under Chapter 27 of Statutes, 1997, at the earliest and at any rate, within two months from the date of receipt of a copy of this judgment, after providing an opportunity of participation and hearing to the petitioners, as well as to the Principal of the College. The copy of the notice issued by the

Principal, produced by the learned Counsel appearing for the Principal is made as part of the records of this writ petition.

The writ petition is disposed of accordingly.

Sd/

SHAJI P. CHALY

JUDGE

Jm/

APPENDIX

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	THE TRUE COPY OF THE COLLEGE I.D CARD ISSUED TO THE 1ST PETITIONER
EXHIBIT P1 (A)	THE TRUE COPY OF THE COLLEGE I.D CARD ISSUED TO THE 2ND PETITIONER
EXHIBIT P1 (B)	THE TRUE COPY OF THE COLLEGE I.D CARD ISSUED TO THE 3RD PETITIONER
EXHIBIT P1 (C)	THE TRUE COPY OF THE COLLEGE I.D CARD ISSUED TO THE 4TH PETITIONER
EXHIBIT P2	THE TRUE COPY OF THE REPRESENTATION DATED 19.09.2019 PREFERRED BY THE 1ST PETITIONER
EXHIBIT P2 (A)	THE TRUE COPY OF THE REPRESENTATION DATED 19.09.2019 PREFERRED BY THE 2ND PETITIONER
EXHIBIT P2 (B)	THE TRUE COPY OF THE REPRESENTATION DATED 19.09.2019 PREFERRED BY THE 3RD PETITIONER
EXHIBIT P2 (C)	THE TRUE COPY OF THE REPRESENTATION DATED 19.09.2019 PREFERRED BY THE 4TH PETITIONER
EXHIBIT P3	THE TRUE COPY OF THE RELEVANT PAGES OF TIMETABLE VIDE REFERENCE NO.EA1/2/101/2019/CBCS DATED 17.09.2019
EXHIBIT P4	THE TRUE COPY OF THE REPRESENTATION NIL DATED FILED BY THE PETITIONER TO THE 5TH RESPONDENT WITH COPY TO RESPONDENTS 1 TO 4
EXHIBIT P5	THE TRUE COPY OF THE EXT.P4 COMPLAINT WAS PREFERRED BEFORE THE RESPONDENTS 1 TO 5 IN THEIR RESPECTIVE E-MAIL I.DS.