

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 19TH NOVEMBER 2010 / 28TH KARTHIKA 1932

WP(C).No. 32581 of 2010(W)

PETITIONER(S):

ANJU M.THOMAS, PARAPPATHIL, VELLOR P.O,
PAMBADY, KOTTAYAM DISTRICT.

BY ADV. SRI.M.V.THAMBAN,
SRI.R. REJI,
SMT.THARA THAMBAN,
SRI.BIPIN B.,
SMT.REVATHY P.NAIR.

RESPONDENT(S):

1. THE REGISTRAR, MAHATMA GANDHI UNIVERSITY
PRIYADHARSHANI HILLS (PO), KOTTAYAM DISTRICT,
PIN- 686 560.
2. THE VICE CHANCELLOR,
MAHATMA GANDHI UNIVERSITY,
PRIYADHARSHANI HILLS (PO), KOTTAYAM DISTRICT,
PIN- 686 560.
3. THE PRINCIPAL, PUSHPAGIRI COLLEGE OF
NURSING, THIRUVALLA,
PATHANAMTHITTA DISTRICT, 689 645.

R1 & R2 BY ADV. MR.T.A. SHAJI, SC, M.G. UNIVERSITY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19/11/2010, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rs

ANTONY DOMINIC, J.

.....
W.P.(C) No. 32581 of 2010 W
.....

Dated this the 19th day of November, 2010

J U D G M E N T

Ext.P12 order passed by the respondent University rejecting an application made by the petitioner for an eligibility certificate is under challenge.

2. On an earlier occasion, an order was passed by the University rejecting the application of the petitioner. That order was challenged before this Court in W.P.(C) No.17547/2010. The writ petition was disposed of by Ext.P10 judgment, quashing the impugned order and directing that on the production of the additional materials the matter shall be reconsidered. Accordingly, petitioner produced further materials, claim was reconsidered and it is in pursuance thereof that Ext.P12 order has been passed.

3. In the impugned order, the stand taken by the University is that on perusal of the documents, it was found that the petitioner has not studied Chemistry and Biology in

Grade XI and Physics, Chemistry and Biology in Grade XII. It is stated that therefore eligibility certificate cannot be issued.

4. However, in ground E of the writ petition, petitioner has stated thus:-

“E. In an identical case of one Miss. Sheeja Chadipillai having the very same qualification is issued with an eligibility certificate and equivalency certificate by the same University. However, petitioner was discriminated by the University. It is further submitted that the first respondent cannot take two yardsticks in the very same matter.”

5. In view of these averments, when the case came up for orders on 26-10-2010, the Standing Counsel was directed to obtain instructions about the correctness of the aforesaid averments. Thereafter, on three occasions, the writ petition was adjourned and despite all this, even as on date, the University is not in a position to either confirm or contradict the averments. Therefore, I see no reason to await any further.

6. In that view of the matter, I quash Ext.P12 and direct the respondents to re-examine the claim of the petitioner and issue her eligibility certificate, if the averment in ground E is factually correct. Orders as above should be passed within ten days from the date of production of a copy of this judgment.

7. Petitioner to produce a copy of this judgment and writ petition before the first respondent for compliance.

Writ petition is disposed of as above.

Sd/-
(ANTONY DOMINIC, JUDGE)

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P.A. To Judge