

(2011) 01 KL CK 0168

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 36733 of 2010 (N)

Govind Vishnu. A., B-Tech Biotechnology

APPELLANT

Vs

The University of Kerala and Others

RESPONDENT

Date of Decision : 10-01-2011

Acts Referred:

Citation : (2011) 01 KL CK 0168

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : Murali Purushothaman, for the Appellant; M. Rajagopalan Nair, for the Respondent

Final Decision : Dismissed

Judgement

Antony Dominic, J.—Petitioner is a student of Biotechnology and Biochemical Engineering course (B. Tech) at the Sree Chitra Thirunal College of Engineering, Thiruvananthapuram. While he was undergoing course in the 7th semester, on the basis that he had shortage of attendance, he was not permitted to register for the 7th Semester examination. At that stage, he approached this Court by filing WP (C) No. 31135/09, in which, this Court passed Ext.P2 interim order. In that interim order, the Respondents were directed to permit the Petitioner to appear for the examination purely on a provisional basis subject to further orders and clarifying that the Petitioner's appearance will be purely provisional and that his results need not be published unless otherwise ordered by this Court. It was further directed that, if ultimately this Court upholds that the Petitioner was not entitled to apply for condonation of shortage of attendance, the appearance in the examination shall stand cancelled.

2. Subsequently, Ext.P3 interim order was passed WPC No. 36733/10:2:

enabling the Petitioner to attend the 8th semester classes and by Ext.P4, he was again provisionally permitted to appear for the 8th semester examination. Subsequently, by Ext.P7 order, Vice Chancellor rejected the application of the

Petitioner for condonation of attendance shortage on the ground that the candidate had already availed condonation twice during the course. Still later, writ petition was finally heard and by Ext.P8 judgment, this Court upheld Ext.P7 order and dismissed the writ petition.

3. Thereafter, the Petitioner submitted Ext.P9 representation requesting the Vice Chancellor to publish the 7th and 8th semester results, which are withheld. That request of the Petitioner has been rejected by Ext.P10 order. It is challenging Ext.P10 and praying for a direction to the university to publish the results, the writ petition is filed.

4. First of all, the appearance of the Petitioner in the 7th semester examination, 8th semester classes and 8th semester examination were based on the interim orders passed by this Court. These were purely provisional and subject to the final decision on the request of the Petitioner for condonation of his attendance. That request of the Petitioner has been rejected by Ext.P7 order, which was upheld by this Court in Ext.P8 judgment. That judgment has become final. Therefore, anything done based on the interim orders passed by this Court, which was purely provisional, have merged in the judgment, and therefore, in view of the judgment dismissing the writ petition, the University cannot be compelled to declare the results of the Petitioner for the 7th and 8th semesters.

5. It is now submitted that in terms of the University Statutes, a candidate like the Petitioner will have to apply for a fresh registration after attending classes and thus making up the shortage of attendance, necessarily, that is the only course open to the Petitioner.

Writ petition is only to be dismissed and I do so.