

(2014) 11 KL CK 0120
In the High Court Of Kerala
Case No : Writ Appeal No. 1631 of 2014

Harikumar Ganesan Pillai

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 19-11-2014

Acts Referred:

Citation : (2014) 11 KL CK 0120

Hon'ble Judges : Ashok Bhushan, Acting C.J.; A.M. Shaffique, J

Bench : Division Bench

Advocate : S. Gopakumaran Nair, Senior Advocate, P. Sreekumar, S. Prasanth, Sooraj T. Elenjickal, P.A. Mohammed Shah, Uma, B. Prasanth, T.S. Sarath and P.M. Mazna Mansoor, Advocate for the Appellant; N. Nagaresh, Assistant Solicitor General, Advocate for the Respondent

Judgement

Ashok Bhushan, Actg. C.J.

1. This writ appeal has been filed against the judgment dated 18/09/2014 passed by the learned Single Judge by which the writ petition filed by the appellant has been dismissed.

2. The appellant had passed Diplome of National Board Examination in the discipline of Orthopaedics in June 2010. In connection with a joint convocation which was scheduled to take place on 01/02/2012, a list of gold medalists was published. Petitioner was also communicated that he has been chosen for the award of gold medal in the discipline of Orthopaedics. But, after four days, by another communication, he was informed that he was not selected for the award of gold medal in the speciality of Orthopaedics for the session 2010. The reason given for the change was that the petitioner had passed the theory examination only in the 4th attempt and practical examination in the first attempt. This, according to the respondent, was not in conformity with the criteria for awarding the gold medal as per the guidelines in force. Challenging the said communication, petitioner had filed W.P.C. No. 1735/2012, which has been dismissed. From the facts which have been brought on record, it is clear that the

examination was held in June 2010 and the convocation for award of gold medal was held on 01/02/2012. Guidelines which have been applied to the petitioner, according to the petitioner's own case, are the guidelines dated 15/12/2011. The submission which has been pressed by the learned counsel for the petitioner is that the examination, having been held in June 2010, the guidelines dated 15/12/2011 requiring passing of theory examination in the first attempt to become eligible for gold medal, shall not be applicable with regard to the petitioner. He submits that since there was no such criteria at the time when the examination was conducted, the guidelines issued on 15/12/2011 is not applicable to him.

We have considered the submission of the petitioner and perused the records. Admittedly the convocation has been held with effect from 01/02/2012 and the guidelines requiring passing of the theory examination in the first attempt were in force from 15/12/2011. The first communication which was sent to the appellant informing him that he has been chosen for the gold medal was not in accordance with such guidelines. Hence the said communication was immediately withdrawn informing him by letter dated 10/01/2012 that he has not been chosen for the gold medal due to the reason that he has not passed the theory examination in the first attempt. The mere fact that the appellant was informed that he has been selected for gold medal does not give him any indefeasible right to claim that he should be awarded gold medal. Since the guidelines dated 15/12/2011 were in force much before the convocation and award of the gold medal, we see no reason for not implementing the guidelines with regard to the award of gold medal in the convocation on 01/02/2012. The mere fact that the examination was held in June 2010 does not confer any right on the petitioner for getting of the gold medal. Awarding of gold medal is to be regulated by a set of norms as decided by the University and the norms having been enforced from 15/12/2011, much before the award or convocation, we are of the view that no error was committed by the authorities in informing the appellant that he is not eligible for gold medal.

We are of the view that the learned Single Judge did not commit any error in dismissing the writ petition and accordingly the writ appeal is dismissed.