

(1998) 04 KL CK 0017
In the High Court Of Kerala
Case No : O.P. No. 7307 of 1998T

K. Muraleedharan Pillai and Others

APPELLANT

Vs

Cochin University of Science and Technology, Ernakulam and Others

RESPONDENT

Date of Decision : 21-04-1998

Acts Referred:

Cochin University Act, 1971 — Section 5

Citation : AIR 1998 Ker 284

Hon'ble Judges : J.B. Koshy, J

Bench : Single Bench

Advocate : K.P. Satheesan, Govt. Pleader, for the Appellant; V.K. Mohan, for the Respondent

Judgement

J.B. Koshy, J.—Petitioners are B. Tech students in the Model Engineering College of first respondent University. They have completed VII Semester. As per Clause 3(2) of Ext. P1 regulation, they should have passed all subjects up to IV Semester for getting promotion to VIII Semester. Admittedly, petitioners have not passed all sub-jects in IV Semester. Therefore, they are not entitled to get promotion to VIII Semester. It is for the University to frame regulation. In the absence of mala fides or arbitrariness this Court cannot interfere in academic matters. In the past if a mistake has been committed or leniency was shown on the facts of a particular year it will not be a licence to commit deviation or error in all future years. In any event, this Court cannot direct the University to admit students violating the Rules or Regulations. It will affect the standard of education and discipline in the institution. In this connection, I refer to the decision of the Supreme Court in State of U.P. and Others Vs. D.K. Singh and Others, , a decision of this Court in Easwaran Namboodiri v. Principal and also the recent decision of the Supreme Court in Central Board of Secondary Education v. Nikhil Gulati and another where the Supreme Court has directed the High Courts not to grant indiscriminately provisional admissions. Court cannot relax norms for promotion unless norms fixed are beyond jurisdiction, or against

any rules or regulations. It is well settled that Court shall not interfere in academic matters. The University of Mysore and Another Vs. C.D. Govinda Rao and Another, .

2. In this case petitioners submit that they applied for revaluation of papers for which they failed in IV Semester. They expect success and if results of revaluation was published in time there was no difficulty. But there is undue delay in publication of the revaluation results. If it is unduly delayed and finally it is shown that they have passed the subjects on revaluation, for lack of required attendance they cannot write the examination.

3. In these circumstances, I direct respondents 1 to 3 to provisionally allow the petitioners, to attend the classes of VIII Semester of B Tech course at their own risk. If on revaluation of the papers also they fail in IV Semester, they should discontinue the studies and their attendance in VIII Semester will be treated as non est for all purposes. In other words, by admission on the basis of this direction of VIII Semester they will not get any right de hors the rules, if they fail to pass all subjects up to VI Semester examination for which they have applied for revaluation. University is also directed to publish the revaluation results of IV Semester as expeditiously as possible.

The original petition is disposed of with the above directions.