
(2010) 10 KL CK 0237
In the High Court Of Kerala
Case No : W.A. No. 1695 of 2010

Lineesh M. and Others

APPELLANT

Vs

The Controller of Examinations, The Registrar, The Principal
and The Principal

RESPONDENT

Date of Decision : 04-10-2010

Acts Referred:

Citation : (2010) 10 KL CK 0237

Hon'ble Judges : Jasti Chelameswar, C.J;P.R. Ramachandra Menon, J

Bench : Division Bench

Advocate : K.V. Reshmi, for the Appellant; No Appearance, for the Respondent

Final Decision : Dismissed

Judgement

1. Chelameswar, C.J.—The unsuccessful petitioners in W.P.(C) No. 28895 of 2010 are the appellants in this appeal. By judgment dated 24th September, 2010 the said writ petition was dismissed.

2. The appellants five in number are students of B.Sc. Nursing Course in the various colleges affiliated to the respondent University. Admittedly, they failed in some of the papers of the second year examination of the said course. As per the Rules of the University such students are not entitled to appear for the final year examination until they cleared all the subjects of the second year.

3. Under the Rules, a supplementary examination to enable the failed students such as the appellants herein is required to be held by the University periodically. Such a supplementary examination admittedly was scheduled and did in fact commence on 29.9.2010. The appellants claim that they have appeared for the supplementary examination. In the meanwhile the final year examination is scheduled to be held by the University which is to commence on 6.10.2010.

4. Complaining that the time gap between the supplementary examination and the final examination is too short and consequentially the result of the supplementary examination cannot be finalized before the date of the final year

examination whereby rendering the appellants and similarly situated persons ineligible for appearing the final year examination, the abovementioned writ petition came to be filed praying that the University be directed to postpone the III year regular B.Sc. Nursing examination and also for a further direction that the results of the supplementary examination referred to earlier be published within the "shortest possible time".

5. By the judgment under appeal, the writ petition was dismissed. Hence this appeal.

6. By the instant writ petition, the students who have failed in the second year examination seek a direction from this Court to the University to alter the entire activity of the University to suit the convenience of the students. If the prayer is accepted it becomes impossible for not only the respondent University, but for any University to conduct its affairs in an orderly manner. As rightly pointed out by the learned Judge, the scope of judicial review in such matters is very narrow and the court should be slow to interfere in such matters. We may also add that considering the prayers such as the one made in the writ petition would effectively be denying the fruits of the labour of the students who are successful in the second year examination, who perhaps are more industrious. Judicial interference in such matters without sufficient legal ground would only result in grave injustice insofar as the latter class of students referred to above are concerned.

We see no reason to interfere with the judgment under appeal. Writ appeal is therefore dismissed at the admission stage.