

---

**(2013) 09 KL CK 0015**

**In the High Court Of Kerala**

**Case No : Writ Petition (C) . No. 19334 of 2013 (N)**

Muhammed Thouseef P.M.

APPELLANT

Vs

The Vice Chancellor, Mahatma Gandhi University,  
Priyadarshini Hills and The Principal, Ilahia College of  
Engineering

RESPONDENT

---

**Date of Decision : 25-09-2013**

**Acts Referred:**

**Citation : (2013) 09 KL CK 0015**

**Hon'ble Judges : K. Vinod Chandran, J**

**Bench : Single Bench**

**Advocate : C. Anilkumar Kallesseril and Sri. C.Y. Vinod Kumar, for the Appellant;  
P. Leelakrishnan, R1 to R3 by Standing Counsel and Sri. Baby Issac Illickal, by  
R4, for the Respondent**

**Final Decision : Dismissed**

---

## **Judgement**

K. Vinod Chandran, J.—The petitioner claims to be a 7th Semester student of the 4th respondent-College and seeks a direction to the 4th respondent to allow the petitioner to attend the 7th Semester classes after allowing the petitioner to register for the 6th Semester. The prayer itself is anomalous and incongruous and is indicative of the deliberate attempt of the petitioner to mislead this Court. A brief statement of facts that led to the filing of the above writ petition, which is third in line of the litigations initiated by the petitioner, is necessary. The petitioner, while undergoing 5th Semester in the branch of Mechanical Engineering under the 4th respondent-College, had deficiency of attendance, disabling him from appearing for the 5th Semester examination. On the submission that an application for condonation of shortage of attendance was made before the University, the petitioner was before this Court in W.P. (C). No. 29559 of 2012. By Exhibit P2 judgment, this Court permitted the petitioner to appear for the 5th Semester examination provisionally and also noticed the contention of the University that a decision will have to be taken by the Board of Adjudication of Students" Grievances (hereinafter referred to as "the Board")

with regard to the admission of the application of the petitioner. The application was also directed to be forwarded to the University along with the remarks of the Principal, expeditiously. It appears that the Principal did not recommend the application and, hence, the University by Exhibit P3 rejected the application. Though there was no specific direction to recommend the application for condonation of shortage of attendance in Exhibit P2, the petitioner filed a representation, Exhibit P4, before the Vice Chancellor alleging that Exhibit P2 judgment was not fully complied with.

2. It is pertinent that in the meanwhile though the petitioner had appeared provisionally for the 5th Semester examination, he did not register for the 6th Semester, which, according to him, was only by reason of the rejection of his application by Exhibit P3. At the fag end of the 6th Semester, the petitioner was again before this Court by another writ petition, numbered as W.P. (C).9097 of 2013, challenging Exhibit P3 order and seeking a direction to consider the petitioner's representation. It has to be noticed that Exhibit P3 order was passed on 26.12.2012 and the petitioner approached this Court only in April, 2013. The writ petition was disposed of at the time of admission itself.

3. In fact the judgment of the learned Single Judge, Exhibit P5, proceeds on the basis that the petitioner had some shortage of attendance for the 7th Semester B. Tech. and that the petitioner's application for condonation of shortage of attendance was summarily rejected without consideration. The learned Single Judge, after noticing the relevant provisions for condonation, directed consideration of the application afresh by the Board, de hors the recommendation of the Principal. This Court also recorded the serious objection raised by the 4th respondent to the prayer of the petitioner to be permitted to attend the classes provisionally and observed that the period in which he is kept out when the matter is being considered by the Board shall be excluded in reckoning the shortage of attendance for the next Semester/Session. The petitioner relies on the said observation and contends that the Board having allowed his condonation application by Exhibit P6, he should be allowed to join for the 7th Semester, since in the meanwhile the 6th Semester course had concluded. The primary fallacy in the said prayer is that what the petitioner seeks is to be registered for the 7th Semester course without having registered for the 6th Semester, attended classes or appeared in the examinations for the 6th Semester. It is not a mere condonation of shortage of attendance that is sought for by the petitioner, but the condonation of total absence in the 6th Semester. This was not intended by Exhibit P5.

4. Briefly looking at the dates, admittance to the 5th Semester was made provisionally by Exhibit P2 judgment dated 12.12.2012. From the statement filed by the Standing Counsel for the University as also the counter affidavit of the 4th respondent, it is evident that the 5th Semester B. Tech Degree examination commenced on 14.12.2012 and the classes for the 6th Semester concluded by 20.04.2013. The petitioner was aware that the 6th Semester commenced in the

meanwhile and even accepting his argument that he was not permitted to register for the 6th Semester, the petitioner chose to keep quiet and approached this Court at the fag end of the 6th Semester, more precisely 10 days before the conclusion of the Semester, seeking for a prayer to permit attendance in the class. Even if he was permitted then to attend classes he could have only attended classes between 11.04.2013 and 20.04.2013, which would not give him sufficient attendance. In the context of the facts stated above, the observation made by Exhibit P5 cannot aid the petitioner in skipping altogether registration and attendance of 6th Semester, so as to enable him to continue in the 7th Semester. The writ petition is devoid of merit and the same is dismissed, however, without prejudice to the right of the petitioner to seek for registration in the 6th Semester, in accordance with the norms and regulations of the University. The parties are directed to suffer their respective costs.