
(2021) 01 KL CK 0354

In the High Court Of Kerala

Case No : Writ Petition (C) No. 26588 Of 2020

Sooraj S And Ors

APPELLANT

Vs

University Of Calicut And Ors

RESPONDENT

Date of Decision : 14-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0354

Hon'ble Judges : Anu Sivaraman, J

Bench : Single Bench

Advocate : Lindons C. Davis, K.C. Antony Mathew, E.U. Dhanya, P.C. Sasidharan

Judgement

1. This writ petition is filed seeking the following reliefs :-

I) to issue a writ of mandamus or any other appropriate writ, order or direction directing respondents to consider and pass orders on Exhibit.P5

representation for pass of petitioners failed single paper, in the light of Exhibit.P3 Moderation Rules or awarding marks by grading of earlier

examinations as per Ext.P2 UGC guidelines.

II) to issue a writ of mandamus or any other appropriate writ, order or direction directing respondents to reconsider the examination results of the

petitioners by granting up to 10% aggregate marks or granting 20 marks, as moderation for pass in individual failed paper, which is necessary to

secure the pass in failed paper in their B.Tech Programme.

III) to issue a Writ of Mandamus or any other appropriate writ, order or direction directing respondents to formulate a policy on the basis of Exhibit.P2

UGC Guidelines to grade the petitioners failed subject in the B.Tech Programme, by considering the marks in all examinations.

2. Heard the learned counsel for the petitioners and the learned Standing

Counsel appearing for the University.

3. It is submitted by the learned counsel appearing for the petitioners that the petitioners were students who have completed B.Tech course from the

Calicut University. It is contended that they had failed only in a single paper in the entire B.Tech Programme and that going by Ext.P3 Moderation

Rules, they are entitled to moderation on the conditions mentioned therein. The petitioners have preferred Ext.P5 representation before the

respondents seeking the benefit of Ext.P3 Moderation Rules.

In the above situation, I am of the opinion that it is for the competent authority in the respondent University to take an appropriate decision on Ext.P5

representation. There will, accordingly, be a direction to the 3rd respondent to take up, consider and pass appropriate orders on Ext.P5 representation,

taking note of Ext.P3 as well. Orders shall be passed, after hearing a representative of the petitioners, within a period of one month from the date of receipt of a copy of this judgment.