

(2011) 11 KAR CK 0286
In the Karnataka High Court
Case No : Writ Petition No. 36619 of 2011

Sri Sachih Murali Naik

APPELLANT

Vs

The Vishweshwaraiah Technological University (vtu) and
Moodiakatte Institute of Technology

RESPONDENT

Date of Decision : 02-11-2011

Acts Referred:

Citation : (2011) 11 KAR CK 0286

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : Haveri, for the Appellant; B.B. Patil, for R1, for the Respondent

Judgement

Mohan Shantanagoudar

1. Petitioner after completion of Pre-University course was allotted & seat in second respondent college to study in B.E. Course (mechanical Engineering through CET-2010). He paid the requisite fees of the first year B.E. Course to the college and studied first year in the said college. Unfortunately, the petitioner failed in all the 10 subjects. Hence, he decided to quit the engineering course for joining Ayurveda degree course. Accordingly, the petitioner has joined the first year in Muniyal Institute of Ayurveda Medical Sciences, College 34-C, Shivally, Industrial Area, Manipal. After attending the course, the petitioner seems to have requested the 2nd respondent to return the original documents such as transfer certificate which are required to be submitted before the Ayurveda college. In spite of repeated requests, the originals were not returned. Hence, this writ petition is filed praying for the following relief:

a "Directing the respondents to return the originals and T.C. to The petitioner or direct them to send the originate and T.C. to Muniyal Institute. of Ayurveda Medical Sciences,. College 34-C, Shivally Industrial Area, Manipal

2. The petitioner got B.E. seat in General Merit category. Unfortunately, he failed in the first year B.E, According to him, there is no use in continuing Engineering

course as he is weak in some B.E. subjects. Therefore, he decided to change his career by joining Ayurveda Medical college. It is not in dispute that the petitioner has paid fees for the entire first year B.E. Course and there is no arrears of fees in respect of first year. It is no doubt true that "the second respondent college will be losing one seat, as it cannot fill up the said seat occupied by the petitioner. But, equity demands that the career of the students should not be marred. The petitioner cannot be compelled to continue in Engineering course. According to the petitioner, all the seats of B.E. course were not filled up in 2nd respondent college, which goes to show that number of seats have remained vacant, since beginning.

3. Be that as it may, since the petitioner has not joined the second year B.E. Course and as he wants to pursue his studies in Ayurveda, equity demands that respondent No.2 may be directed to return all the original certificates submitted by the petitioner at the time of admission.

Accordingly, writ petition stands disposed of with a direction to respondent No. 2 to either send the originals including transfer certificate to the Muniyal Institute of Ayurveda Medical Sciences College 34-C, Shivally, Industrial Area., Manipal or to hand over the same to the petitioner for submitting the same to Ayurveda Medical College, as early as possible but not later than outer limit of four weeks from the date of receipt of this order.