
(2015) 03 KL CK 0225

In the High Court Of Kerala

Case No : Writ Petition (C) Nos. 35350 (P) and 35544 of 2014

Sruthi T.G. and Others

APPELLANT

Vs

University of Calicut and Others

RESPONDENT

Date of Decision : 30-03-2015

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2015) 03 KL CK 0225

Hon'ble Judges : K. Vinod Chandran, J

Bench : Single Bench

Advocate : K.I. Mayankutty Mather and R. Jaikrishna, for the Appellant;
Santhosh Mathew, SC, Advocates for the Respondent

Final Decision : Dismissed

Judgement

K. Vinod Chandran, J.

1. The petitioners are students who have been admitted to B.Tech Courses in the Sree Ernakulathappan College of Engineering and Management and MET's School of Engineering which are impleaded in the respective writ petitions as the 3rd respondent. The petitioners were all admitted under the NRI quota in the Management seats against the Regulations of the University.

2. The Regulations of the University and the prospectus brought out by the Government of Kerala, for admission to the B.Tech courses, prescribe for minimum 50% marks in Mathematics as also an aggregate of 50% in Physics, Chemistry and Mathematics. This is the requirement for admission on the merit quota, for which entrance examinations are conducted by the Controller of Examinations and on the basis of the rank, allotments are made to Government Colleges as also to the 50% seats reserved for meritorious candidates in the Self Financing Colleges, the fees of which are also regulated by a Committee constituted for the said purpose. The Management seats are set apart for the Self Financing Colleges, since no financial assistance is provided by the

Government. However, the admission requirement and the eligibility conditions are one and the same. No person/student having not acquired the minimum eligibility conditions are permitted to be admitted to the Colleges.

3. The petitioners herein, invariably all of them, do not have the minimum required eligibility condition for admission to the B.Tech Courses to which they have been admitted. The admission obviously is merely on the basis of the fees offered by them to be continued in the course. The petitioners were admitted in the year 2013-14 and at the first instance itself, University had informed the Colleges that the petitioners were not eligible to be admitted and they were denied participation in the examinations and the results of the 1st and 2nd semesters were withheld.

4. When the 3rd semester examinations were scheduled, the petitioners filed the aforesaid writ petitions before this Court, seeking participation in the 3rd semester examinations. An interim order was passed on 30.12.2014 directing provisional participation; however making it clear that the same is provisional and subject to the result of the writ petition. It was also specifically observed that the participation would not confer any right upon the petitioners, even on the ground of equity, if the petitioners finally happen to lose the battle (legal).

5. Subsequently, the University passed an order dated 20.03.2015 by which the prayer of the petitioners were rejected for reason of their having no minimum eligibility as prescribed in the prospectus of the Government and required by the Regulations of the University. The said order is challenged by way of an amendment and the amended writ petitions are before this Court challenging Exts.P8 and P10 orders produced in W.P. (C) s. 35544/2014 and 35350/2014 respectively.

6. Exts.P8 and P10 list out the marks of each of the petitioners from which it is evident that none of them have the required minimum eligibility criteria as per the University Regulations.

7. The learned counsel for the petitioners would urge that in a similar situation which occurred in the academic year 2011, the University had considered the issue of such admission and granted relaxation insofar as the continuance of such students on a further condition that the Mathematics papers in the combined 1st and 2nd semester would be qualified, before they are permitted to participate in the 5th semester examinations. In fact, the said students, having failed to comply with such conditions, had approached this Court and this Court had by judgment dated 08.04.2014 in W.P. (C).5621 of 2014 rejected their prayer for revaluation on the ground that applications were grossly delayed. The learned counsel would in fact rely on the concession granted to such students admitted in the year 2011 to be extended to the petitioners also.

8. This Court is of the opinion that, such illegality cannot be perpetrated in every academic year, which would only lead to Self Financing Colleges admitting students who are not eligible as per the prospectus and continuing them and

eventually claiming equity on the basis of such admissions made. This Court, as pointed out by the learned Standing Counsel, would not interfere with the minimum requirements for admission to professional courses as prescribed in the Regulations of the University and the prospectus issued by the Government. Academic excellence would be rendered nugatory and mere money-power would then regulate the admissions to professional colleges which, this Court would not encourage. Nor is this Court entitled to invoke the extraordinary jurisdiction under Article 226 of the Constitution of India to interfere with the valid Regulations of the University as also cause interference of the minimum requirements made by the Government of Kerala for admissions to professional colleges. The mere fact that an irregular admission granted in an academic year was regularized, cannot be a ground, much less an equitable ground, to extend it to the subsequent years. Any such measure would send wrong signals to the academic community as such and give an upper hand to the Self Financing Colleges to demand more fees, which would reduce education to an exercise of extortion. For all the above reasons, this Court does not find any reason to consider the prayer of the petitioners. Exts.P8 and P10 would stand sustained.

The writ petitions would stand dismissed.