

(2010) 07 KL CK 0209
In the High Court Of Kerala
Case No : WA. No. 1244 of 2010

Vasanth. C. Kurup

APPELLANT

Vs

Controller of Examinations, Mahathma and Principal,
Aturasramam N.S.S. Homeo

RESPONDENT

Date of Decision : 21-07-2010

Acts Referred:

Citation : (2010) 07 KL CK 0209

Hon'ble Judges : Jasti Chelameswar, C.J;P.N.Ravindran, J

Bench : Division Bench

Advocate : Shaji Thomas Porkkattil, for the Appellant; No Appearance, for the Respondent

Final Decision : Dismissed

Judgement

P.N. Ravindran, J.—The Appellant is the Petitioner in W.P. (C) No. 21650 of 2010. He is presently undergoing studies in the final year of the BHMS course. He did not pass the second year examination though he appeared for the said examination twice. He has applied for revaluation of the answer scripts of the second year examination. Though as per the Regulations governing the course of study, he was permitted to attend the third year classes, he was not permitted to appear for the third year examination as he had not passed the second year examination.

2. The instant writ petition was filed seeking a direction to the Respondents to permit him to appear for the third year examination. The University contended that unless the Appellant passes the second year examination, he cannot appear for the third year examination. The learned single Judge declined to grant the said relief and dismissed the writ petition, but directed the University to expedite the revaluation of the Appellant's second year answer scripts. Aggrieved thereby, the Appellant has filed the present writ appeal.

3. We heard Sri. Shaji Thomas, learned Counsel appearing for the Appellant. The

Appellant does not dispute the fact that as per the Regulations governing the course of study he can appear for the third year/fourth year examination only if he has passed all the other examinations. The Appellant has admittedly not passed the second year examination. He cannot therefore register and appear for the third year examination. It is only after he passes the second and third year examinations that he can appear for the fourth year examination. He can however continue to attend classes. What the Appellant seeks is a direction from this Court contrary to the Regulations governing the course of study. In our considered opinion, the learned single Judge was perfectly right in declining to grant such a relief. The writ appeal fails and is accordingly dismissed.