

(2021) 07 KL CK 0349
In the High Court Of Kerala
Case No : Writ Appeal No.948 Of 2021

Vice Chancellor, Apj Abdul Kalam Technological University @
Kerala Technological University

APPELLANT

Vs

Sagar A.R

RESPONDENT

Date of Decision : 28-07-2021

Acts Referred:

Citation : (2021) 07 KL CK 0349

Hon'ble Judges : S.Manikumar, CJ;Shaji P.Chaly, J

Bench : Division Bench

Advocate : Elvin Peter P.J., K.R.Ganesh, Gouri Balagopal & Sidharth Sudheer

Final Decision : Allowed

Judgement

S. Manikumar, CJ

1. Before the writ court, Mr. Sagar A. R. and seven others have filed W. P. (C) No. 13509 of 2021, for the following reliefs:-

â??i) Direct Respondent No.1 to issue a writ of Certiorari or any other appropriate writ order or direction calling for the records pertaining to conduct of Semester I &

III of B.TECH examination and quash Exhibit P12 as the same, as illegal, null and void.

ii) Issue a writ of Mandamus or any other appropriate Writ, Order or Direction restraining the respondents from pursuing any measures in furtherance of Exhibit P12,

P14 and P15 respectively.

iii) a direction to the respondent no.1 and 2 is to adopt the CGPA (Cumulative Grade Points Average) Method and Internal Mark assessment for S-I & S-III (Semester

I and III) of the B-tech Course of the petitioners instead of conducting the Physical mode of examination notified as per Exhibit P12, or in the alternative conduct the

Examination of S-1 & S-III (Semester I and III) of the B-tech Course of the petitioners in Online Mode as mandated by the 3rd respondent UGC after re-scheduling the

Examination on an another date scheduled as per Exhibit P14 and 15.â??

2. After considering the pleadings and submissions, writ court granted the reliefs sought for, by the judgment in W. P. (C) No. 13509 of 2021 dated

27.07.2021.

3. Certified copy of the judgment has not been uploaded, however, taking note of the fact that more than 1,46,800 students have already appeared in

several papers for the 1st and 3rd semester examinations of B. Tech course, offered by the APJ Abdul Kalam Technological University, on various

dates, and that further examination in respect of the other subjects / papers in the 1st and 3rd semester have already been scheduled, as early as on

04.07.2021; evident from Exts. P14 and P15 notifications; and that arrangements have been already made for participation of several thousand

students in the remaining examinations, an Interlocutory Application is filed, which remains unnumbered, to permit the appellants to file an appeal

without a certified copy of the judgment.

4. Reasons assigned for the abovesaid prayers are as hereunder:-

â??3. It is submitted that pursuant to Exts.P12, P14 & P15, 78,820 students appeared for the first semester examination, which already been conducted by the

University 68,000 students altogether appeared for the third semester examination so far conducted.

4. It is submitted that the petitioners in the Writ Petition coming to only 8 in numbers have already appeared for the exams so far conducted. Hence, to protect the

interest of only 8 students who have already appeared for the examination, the learned single judge has set aside all the examinations conducted for the thousands of

students. Hence, the judgment of the learned single judge affects large number of the student community who are eagerly and sincerely awaiting the result of the examinations that they have already appeared and also to complete their course

within the period.

5. Since the learned single judge has directed the University to upload a notification that the examinations scheduled on 28/07/2021 and thereafter is cancelled. The

University has already published the said notification. Thousands of students who have already appeared for the examinations are left in the lurch. The judgment of the learned single judge has also not been obtained, therefore the appeal is filed without a certified copy of the. Since the directions issued by the learned single judge while pronouncing the judgment, affects large number of students, this Hon'ble Court may be pleased to allow the appellants to file this appeal without a certified copy of the judgment. Unless the appellants are allowed to file the appeal without a certified copy of the judgment, it will cause irreparable injury, loss and

hardship to large number of students, whose interest has to be protected by the University.â??

5. Being satisfied with the reasons, unnumbered I. A. of 2021 in unnumbered writ appeal (Filing No. 21337 of 2021) is required to be allowed.

6. Therefore the said Interlocutory Application is allowed and the registry is directed to number the I. A. If there is any defect in the writ appeal, other than filing of certified copy of judgment, appellant is permitted to rectify. Writ appeal is also directed to be numbered, on curing the defects.

7. We have heard Mr. Elvin Peter P. J., learned counsel for the appellant, who took us through the examination schedule, for both 1st and 3rd semester of B. Tech course, and the arrangements made by the University to conduct the exams.

8. Learned counsel for the appellant further contended that the judgment has caused hardship to various thousands of students, who have taken up the exams already and to be undertaken as per the schedule. Learned counsel also submitted that some of the writ petitioners have even participated in some examinations offline, and that therefore, they have no locus to seek for the reliefs stated supra.

9. Giving due consideration to the material on record, we are of the view that instant appeal requires adjudication. The appellants have made out a prima facie case for admission. Balance of convenience is in favour of the appellants, and there shall be a stay of the judgment in W. P. (C) No.

13509 of 2021 dated 27.07.2021. Appellants are also permitted to continue with

the examinations as scheduled.