

Naveen Dev S S vs Cochin University of Science and Technology

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Court : Kerala

Decided On : Jul-31-2023

Judge : Honourable Mr.Justice Basant Balaji

Appeal No. : WP(C)/15837/2023

Appellant : Naveen Dev S S

Respondent : Cochin University of Science and Technology

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE BASANT BALAJI
MONDAY, THE 31ST DAY OF JULY 2023 / 9TH SRAVANA, 1945
WP(C) NO. 15837 OF 2023 PETITIONER/S: NAVEEN DEV S S AGED
28 YEARS S/O SASI C A, RAMSARAS HOUSE, TC 26/1822, SBNRA-
7, STATE BANK NAGAR, MEDICAL COLLEGE P O.,
THIRUVANANTHAPURAM DISTRICT,, PIN - 695011 BY ADVS.
VARUGHESE M EASO VIVEK VARGHESE P.J. RESPONDENT/S:

1 COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY
REPRESENTED BY ITS REGISTRAR COCHIN UNIVERSITY P O
KOCHI, ERNAKULAM DISTRICT, PIN - 682022 2 THE VICE

CHANCELLOR COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY, COCHIN UNIVERSITY P O KOCHI, ERNAKULAM DISTRICT, PIN - 682022 3 THE REGISTRAR COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY, COCHIN UNIVERSITY P O KOCHI, ERNAKULAM DISTRICT, PIN - 682022 THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON

31.07.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

(Dated this the 31st day of July,2023) The petitioner, belongs to the Scheduled caste community, joined for BTech Mechanical Engineering Course in the year 2012 at KVM College of Engineering and IT, Cherthala, and has completed the course and passed in all the subjects except Automobile Engineering. The petitioner appeared for the Automobile Engineering Subject in the last supplementary examination conducted in 2022 but failed again. Thereafter, he submitted an application before the 3rd respondent to give him a chance for internal improvement for the failed subject. But his request was declined by the 2nd respondent. The petitioner relies on Ext.P3, an order of the Academic Counsel in which the Academic Counsel

has decided to modify the earlier resolution held

on 17.03.2018 by fixing the maximum eligible period for internal improvement as eight years from the date of admission. Since his request was rejected, the petitioner has filed Ext.P4 representation before the second respondent. The representation is dated 20.04.2023.

2. The counsel for the petitioner submits

that the Ext.P4 representation is still pending and not yet disposed of. Request in Ext.P4 is to consider him as a special case and allow him to improve his internal marks or allow him another chance to pass in Automobile Engineering.

3. The counsel for the University submits that the maximum period of 8 years for passing an examination is over, and his request cannot be considered.

4. The petitioner has also produced Ext.P5

and P6, in which it is stated that, students of the 2012 batches have been given a chance to improve, and since the petitioner is also a student in the batch of 2012, he is discriminated. Without going to the merits of the case and since Ext.P4 is pending before the second respondent, I direct the 2nd respondent to take up Ext.P4 and pass appropriate orders, untrammelled by the observations made in Ext.P2, within a period of one month from the date of receipt of copy of this judgment. Accordingly, this writ petition is disposed of. Sd/- BASANT BALAJI, JUDGE SM APPENDIX OF WP(C) 15837/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE CANDIDATE'S GRADE CARD FOR ROLL NO 15134436 Exhibit P2 TRUE COPY OF THE LETTER NO AC A1/INTERNAL IMPROVEMENT/2022 DATED 27/03/2023 Exhibit P3 TRUE COPY OF THE ORDER NO AC A1/504/2014 (PF VIII) DATED 04/10/2018 ISSUED BY THE OFFICE OF THE 3RD RESPONDENT Exhibit P4 TRUE COPY OF THE APPLICATION DATED 20/04/2023 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT VICE CHANCELLOR Exhibit P5 TRUE COPY OF THE LETTER NO AC ,A1/INTERNAL IMPROVEMENT/2022 DATED 02/05/2023 ISSUED BY THE 2ND RESPONDENT Exhibit P6 TRUE COPY OF THE LETTER DATED 11/5/2023 ISSUED BY THE PRINCIPAL OF THE KVM COLLEGE OF ENGINEERING AND IT CHERTHALA RESPONDENT EXHIBITS Exhibit R3(a) True copy of the relevant pages of the minutes of the meeting of the Academic Council held on 17.03.2018. Exhibit R3(b)): True copy of the relevant pages of the Regulations for B.Tech Degree Programmes w.e.f. 2015 admission Exhibit R3(c) True copy of the relevant pages of the Regulations for B.Tech Degree Programmes w.e.f. 2019 admission TRUE COPY P.A.TO JUDGE Corrected

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