

Rohith M., vs Apj Abdul Kalam Technical University,

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Court : Kerala

Decided On : Jun-24-2022

Judge : Honourable Mr. Justice Devan Ramachandran

Appeal No. : WP(C)/2715/2022

Appellant : Rohith M.,

Respondent : Apj Abdul Kalam Technical University,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN FRIDAY, THE 24TH DAY OF JUNE 2022 / 3RD ASHADHA, 1944 PETITIONER: ROHITH M., TC 9/1973(3), KOCHAR ROAD, SASTHAMANGALAM-695010. BY ADVS. R.KRISHNA RAJ R.PRATHEESH E.S.SONI KUMARI SANGEETHA S.NAIR RESMI A. RESPONDENTS:

1 APJ ABDUL KALAM TECHNICAL UNIVERSITY, CET CAMPUS, ALATHARA ROAD, AMBADY NAGAR, THIRUVANANTHAURAM-695016, REPRESENTED BY ITS REGISTRAR. 2 DEAN (ACADEMIC), APJ ABDUL KALAM TECHNICAL UNIVERSITY, CET CAMPUS,

ALATHARA ROAD, AMBADY NAGAR, THIRUVANANTHAPURAM, KERALA-695016. 3 THE PRINCIPAL, SREE CHITHIRA THIRUNAL COLLEGE OF ENGINEERING, NH 66, CTO COLONY, PAPPANAMCODE, THIRUVANANTHAPURAM, KERALA- 695018. BY ADVS. ELVIN PETER P.J. P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24.06.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

The petitioner says that, on account of serious medical issues encountered by him, namely lack of immunity power, Asthma and Allergy, which was exacerbated by a serious disc prolapse, he could not write the 7th semester examination. He concedes that there was short fall in attendance on account of the afore reasons and that he has preferred Ext.P5 as early as on 22.10.2021 before the 3rd respondent - Principal of College, seeking its condonation, which has been forwarded to the University; and alleges that no action has been taken thereon, in spite of the fact that he has substantiated his plea with medical certificates.

2. The petitioner, therefore, prays that

the University be directed to allow complete the course without any impediment.

3. When I hear Smt.E.S.Soni - learned counsel for the petitioner on the afore lines, it is evident that the petitioner can be allowed to write the 7th semester examination or have its results published, only if his shortage of attendance is condoned as per law. This is not an issue that this Court can speak

affirmatively on, particularly when the petitioner has already approached the competent Authority through Ext.P5 for such purpose, which is now stated to be pending for the concurrence of the University.

4. I am, therefore, of the firm view that the petitioner must be allowed to write the examinations, which is stated to be scheduled on 27.06.2022, as a supplementary chance; with

a further direction to the University to consider his application for condonation of delay, after hearing him and considering his medical certificates, with the empathy he deserves.

Resultantly, I order this writ petition and direct the University to allow the petitioner to take the 7th semester examinations - which is stated to be a supplementary chance - scheduled on 27.06.2022; with a further direction that the results of the same shall be published only after the Registrar takes a decision with respect to the condonation of delay, as applied for by him. Consequently, the Registrar of the University is directed to take up the application of the petitioner, forwarded to the University by the Principal, and take an apposite decision thereon, after hearing the petitioner and after assessing his medical certificates; thus culminating in an appropriate order and necessary action thereon, as expeditiously as is possible, but not later than one month from the date of receipt of a copy of this judgment. Needless to say, the petitioner's continuance in the course and the publication of the results in the 7th semester examination shall abide by the afore decision to be taken by the Registrar. Sd/- DEVAN RAMACHANDRAN JUDGE SAS APPENDIX OF WP(C) 2715/2022

PETITIONER'S EXHIBITS Exhibit P1 TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY DR.M.V. RAMANATHAN, ORTHO SURGEON, SREERAMAKRISHNA ASHRAMA CHARITABLE HOSPITAL, THIRUVANANTHAPURAM DATED 18/10/2021. Exhibit P2 TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY DR. SUJATHA KAMATH, ENT

SPECIALIST, SREERAMAKRISHNA ASHRAMA CHARITABLE HOSPITAL, THIRUVANANTHAPURAM DATED 21/10/2021. Exhibit P3 TRUE COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE DR. C. SURESH KUMAR, CHIEF PHYSICIAN, TRIVENI NURSING HOME, THIRUVANANTHAPURAM DATED 22/12/2021.

Exhibit P4 TRUE COPY OF THE COVID 19 TEST REPORT DATED Exhibit P5 TRUE COPY OF THE APPLICATION SENT BY THE MOTHER OF THE PETITIONER DATED 22/10/2022. Exhibit P6 TRUE COPY OF THE TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT TO THE 3RD RESPONDENT DATED 21/01/2022. Exhibit P7 TRUE COPY OF THE MEDICAL CERTIFICATE DATED Exhibit P8 TRUE COPY OF THE REQUEST OF THE PETITIONER TO KTU DATED 7/6/2022 Exhibit P9 TRUE COPY OF THE GUIDELINE ISSUED BY THE 1ST RESPONDENT DATED 14/3/2022

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