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Geo Paul vs Controller of Examinations, University of Calicut

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Court : Kerala

Decided On : Feb-01-2021

Judge : Honourable Mr. Justice Amit Rawal

Appeal No. : WP(C)/36203/2015

Appellant : Geo Paul

Respondent : Controller of Examinations, University of Calicut

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE AMIT RAWAL MONDAY, THE 01ST DAY OF FEBRUARY 2021 / 12TH MAGHA,1942 WP(C).No.36203 OF 2015(A) PETITIONER: GEO PAUL, AGED 30 YEARS, S/O.PAUL A.M., ALOOR HOUSE, RESIDING AT ESTATE ROAD,GRACE LANE, PERAMANGALAM, PINCODE - 680 545 THRISSUR TALUK, THRISSUR DISTRICT AND KERALA STATE, INDIA. BY ADVS. SRI.JOSHI N.THOMAS SRI.SYLVESTER ESMOND RAPHAEL RESPONDENTS:

1 CONTROLLER OF EXAMINATIONS, UNIVERSITY OF CALICUT, MALAPPURAM DISTRICT, KERALA. PIN - 673 635. 2 UNIVERSITY OF

CALICUT, P.O.UNIVERSITY OF CALICUT, MALAPPURAM DISTRICT. KERALA PIN - 673 635 REPRESENTED BY ITS REGISTRAR. 3 THE VICE CHANCELLOR, UNIVERSITY OF CALICUT, MALAPPURAM DISTRICT. KERALA. PIN - 673 635. R1 BY SRI.P.C.SASIDHARAN, SC, CALICUT UNIVERSITY R1 BY ADV. SRI.SANTHOSH MATHEWSCCALICUTY UNIVERS THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON

01.02.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No.36203 OF 2015 -2-

JUDGMENT

Dated this the 1st day of February 2021 This writ petition is filed by the petitioner challenging Ext.P5, whereby improvement chance has been denied to the petitioner.

2. There is no appearance on behalf of the petitioner represented by Sri.Joshy N.Thomas and Sri.Sylvester Raphel.

3. Learned Standing Counsel for the University

submitted that the petitioner was a student of 4th semester of M.Sc. Chemistry (Regular) at St.Aloysius College, Elthurth affiliated with the University of Calicut. The result of the petitioner's first semester examinations was published and to improve his grade, he had applied for improvement examination and was directed to appear. On the scheduled day of the improvement examination, he was severely ill as had viral fever and after recovery from the illness again applied for the improvement examination but his application was rejected. Another request for

WP(C).No.36203 OF 2015 -3- permitting another chance for improvement by registered post dated 20.05.2015 was submitted but was replied only on 04.06.2015 stating that no further chance for improvement would be permitted.

4. The stand of the University is that no copy of the

medical certificate has been placed on record to establish the illness. The petitioner could not avail another chance owing to the alleged illness. Though, as per the applicable Rules, it is optional for a student to complete two years course within four years and three year course within six years, it would not indicate that the student can appear for improvement examinations until he/she is fully satisfied.

5. Improvement of a particular semester can be only

done once and not as per the whim and choice of the student. Student can avail the improvement chance in the succeeding year after the successful completion of the semester. Examination is to be taken along with the next regular junior batch. As far as the petitioner is concerned, he attended the improvement exam in December, 2014 and

his result depicted Appeared for improvement, but not improved. There is no representation on behalf of the petitioner. The Rule does not permit for improvement examination and perhaps it is on that account petitioner is not pursuing the matter or the stand of the University. Writ petition is dismissed with a rider that in case something survives in the writ petition, liberty is granted to revive the writ petition. Sd/- AMIT RAWAL JUDGE vv APPENDIX

PETITIONER'S/S EXHIBITS: EXHIBIT P1 COPY OF THE ORDER AND RULES AND REGULATIONS PUBLISHED BY THE RESPONDENTS (U.O.NO.3828/13/14)

EXHIBIT P2 REPRESENTATION MADE TO FIRST RESPONDENTEXHIBI

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