

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 30TH DAY OF NOVEMBER 2020 / 9TH AGRAHAYANA, 1942

WP(C).No.25944 OF 2020(P)

PETITIONER:

AFTAB E.LIYAKATH, AGED 20 YEARS
S/O.LIYAKATH, ETTUKATTIL HOUSE, EDATHALA NORTH, ALUVA
EAST VILLAGE, ERNAKULAM-683 561

SMT.ANITHA MATHAI MUTHIRENTHY

RESPONDENTS:

- 1 JAIN (DEEMED TO BE UNIVERSITY)
REP.BY THE DIRECTOR, KOCHI CAMPUS,
KNOWLEDGE PARK, NIRMAL INFOPARK, INFOPARK P.O.,
KAKKANAD, KOCHI-682 042
- 2 CONTROLLER OF EXAMINATIONS
JAIN (DEEMED TO BE UNIVERSITY), KOCHI CAMPUS,
KNOWLEDGE PARK, NIRMAL INFOPARK, INFOPARK P.O.,
KAKKANAD, KOCHI-682 042

SRI. P.SREEKUMAR - SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.11.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 30th day of November 2020

The petitioner, who is stated to be pursuing Aviation Management, leading to the degree of BBA, in the first respondent – Jain (Deemed to be University), has approached this Court alleging that the said University is declining to allow him to register for and write the supplementary examinations, on the allegation that he is involved in a case registered by the Police under the provisions of the Narcotic Drugs and Psychotropic Substances Act (for short, 'NDPS Act').

2. The petitioner asserts that the allegations against him are wholly untrue and that there is absolutely no evidence to link him with any of the instances alleged by the Police. The petitioner, therefore, prays that the University be directed to allow him to take the examinations without any impediment.

3. In answer to the afore submissions of Smt.Anitha Mathai Muthirenthi, the learned counsel for the petitioner, the learned standing counsel for the University, Sri.P.Sreekumar, submitted that the allegations impelled by the Police against the petitioner are extremely grave and that the University

reserves its right to proceed against him under disciplinary action, as is allowed by the applicable Rules and Regulations. He, however, conceded that no such action has yet been initiated or concluded against the petitioner and therefore, that the University does not propose to debar him from writing the examinations, as has been alleged by him. He concluded his submissions by saying that even though the petitioner may be allowed to take the examinations, the University be reserved full liberty to proceed against him as per law, if so required.

4. Taking note of the afore submissions and since this Court will not be justified in any manner interdicting the right of the University to take apposite action against the petitioner, if such is warranted, I order this writ petition confirming the interim order granted by this Court on 24.11.2020 – as per which, the petitioner was allowed to register for and write the supplementary examinations – however, without prejudice to the rights of the University to proceed against him as per law and as per the applicable Rules and Regulations.

5. Smt.Anitha Mathai Muthirenthu, at this time, submitted that since the classes are being conducted online, there would be no purpose in the University placing him under suspension

and refusing him to attend the online classes. I find some force in these submissions and I, therefore, direct the University to permit the petitioner to attend the online classes; however, making it clear that he will not be entitled to take part in any offline studies or activities or to be in contact with any student of the college, directly or indirectly, without the express permission of the competent Authority of the University.

It is needless to say that the petitioner will pay the fees for the online classes and be allowed to participate in the online classes, strictly under the orders of this Court and without in any manner fettering the University from taking further action as may be warranted in law against him.

Sd/- DEVAN RAMACHANDRAN

Stu

JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXHIBIT P1	A TRUE COPY OF THE PROVISIONAL ADMISSION LETTER DATED 9.5.2019
EXHIBIT P2	A TRUE COPY OF THE REMAND REPORT DATED 16.10.2020
EXHIBIT P3	A TRUE COPY OF THE NOTIFICATION DATED 11.11.2020
EXHIBIT P4	A TRUE COPY OF THE E-MAIL COMMUNICATION DATED 23.11.2020
EXHIBIT P5	A TRUE COPY OF THE NOTICE DATED 17.11.2020