

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 7TH DAY OF OCTOBER 2022 / 15TH ASWINA, 1944

WP(C) NO. 31373 OF 2022

PETITIONER:

MUHAMMAD AFREETHI,
KANJIRAMTHOTTIL HOUSE, MUDICKAL PO, PERUMBAVOOR,
ERNAKULAM, PIN 683547.

BY ADVS.

PHILIP M.VARUGHESE

MATHEWS JOSEPH

AISWARIA DEVI R.

CHACKO MATHEWS K.

SREEKUMAR P.N.

EMMANUEL CYRIAC

ELIZEBATH GEORGE

RESPONDENTS:

1 MAHATMA GANDHI UNIVERSITY,
PRIYADARSINI HILLS KOTTAYAM. PIN 686 560,
REPRESENTED BY ITS REGISTRAR.

2 ILAHIA COLLEGE OF ARTS AND SCIENCE
PEZHAKAPILLY P.O, MUVATTUPUZHA, ERNAKULAM, PIN
686673, REPRESENTED BY ITS PRINCIPAL.

BY ADV P.M.SANEER

SRI.SURIN GEORGE IPE-SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
07.10.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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JUDGMENT

Dated this the 7th day of October, 2022.

The petitioner was allotted the 2nd respondent - "Ilaha College of Arts and Science" (College) by the 1st respondent - Mahatma Gandhi University (M.G.University) for admission to the B.A.Economics Course, as is evident from Ext.P3.

2. The petitioner alleges that, however, even though he presented Ext.P3 before the Principal of the College on 28.09.2022, he was not allowed admission; and that this has put him a piquant predicament because the next allotment was completed on 03.10.2022 by the University. He, therefore, prays that the 2nd respondent - College be directed to admit him on the strength of Ext.P3 forthwith, so that he can continue and pursue his

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classes without impediment.

3. The afore submissions of Sri.Chacko Mathews K. - learned counsel for the petitioner, were answered by Sri.P.M.Saneer - learned Standing Counsel for the College, saying that the facts involved in this case would indicate that the attempt of the petitioner is not to secure admission but to "wreck vengeance" on his client. He explained that the petitioner had earlier approached his client to obtain admission in the Management quota, but that since he did not have merit he was denied admission. He added that, thereafter, the petitioner appears to have approached the University for allotment showing only his client as the college to which he intended to obtain admission, and that this is clearly *malafide* because when he was denied admission in the Management quota, as stated above, he had created a

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ruckus in the college, which led to Ext.R2(b) complaint being preferred against him. He submitted that therefore, his client legitimately believes that the petitioner will disrupt the discipline in the college and therefore, that they have addressed Ext.R2(c) letter to the M.G.University on 06.10.2022, seeking that the allotment be reconsidered.

4. Sri.Surin George Ipe - learned Standing Counsel for the M.G.University, in response, submitted that the attempt of the College is to wriggle out of their statutory obligation as per Ext.P3 and that they have approached the University only on 06.10.2022, even when the admission ought to have been completed by the end of September, 2022. He added that since the next allotment is also now over, the action of the College in refusing admission to the petitioner will have to be

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viewed seriously.

5. When I evaluate and consider the afore submissions, it is evident that the College is refusing admission to the petitioner based on certain speculative reasons. It may be true that there was an incident in the past, which led to a police complaint being filed against the petitioner, but this does not *ipso facto* mean that his attempt is to "wreck vengeance", as has been now suggested by Sri.P.M.Saneer.

6. That apart, when Ext.P3 allotment was issued by the University in the last week of September, 2022, if the College had any objection as stated above, they ought to have approached its competent Authority at least before the next allotment was completed. This, not having been done, and Ext.R3(c) being preferred only on 06.10.2022, pending this *lis*, I am certain that this Court

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will not be justified in denying relief to the petitioner.

In the afore circumstances, I order this writ petition and direct the College to admit the petitioner, based on Ext.P3, forthwith; however with full liberty being reserved to them to pursue Ext.R3(c) before the University, which Authority will consider it, after hearing both sides and take an apposite decision thereon as per law.

Needless to say, the afore relief has been granted to the petitioner on his express undertaking - made through his learned counsel - that he will act in strict compliance of the discipline of the College and will not exhibit any conduct in breach thereof.

Sd/-
DEVAN RAMACHANDRAN
JUDGE

Raj.
07.10.2022.

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APPENDIX OF WP(C) 31373/2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE PAYMENT RECEIPT DONE FOR THE ADMISSION IN THE MANAGEMENT QUOTA.
- Exhibit P2 TRUE COPY OF THE APPLICATION FOR ALLOTMENT.
- Exhibit P3 TRUE COPY OF THE ALLOTMENT MEMO REVEALING THE ALLOTMENT DETAILS, MARKS AND THE FEES PAID.

RESPONDENT EXHIBITS

- Exhibit R2(A) TRUE COPY OF THE ADMISSION ORDER 2022-23 DATED 01/03/2022 ISSUED BY THE MANAGER OF THE COLLEGE

RESPONDENT EXHIBITS

- Exhibit R2(B) TRUE COPY OF THE COMPLAINT NO. ICAS/PC/2022 DATED 31/08/2022 GIVEN BY THE RESPONDENT TO THE SUB INSPECTOR OF POLICE, MUVATTUPUZHA POLICE STATION
- Exhibit R2(C) TRUE COPY OF THE REQUEST GIVEN BY THIS RESPONDENT TO THE 1ST RESPONDENT UNIVERSITY DATED 06/10/2022