



2024:KER:12534

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MRS. JUSTICE SHOBA ANNAMMA EAPEN

WEDNESDAY, THE 14<sup>TH</sup> DAY OF FEBRUARY 2024 / 25<sup>TH</sup> MAGHA, 1945

WA NO. 50 OF 2024

AGAINST THE JUDGMENT DATED 03.10.2023 IN WP(C) 28860/2023

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APPELLANT:

UNIVERSITY OF CALICUT,  
REPRESENTED BY ITS REGISTRAR, CALICUT UNIVERSITY,  
MALAPPURAM, PIN - 673635.  
BY ADV.P.C.SASIDHARAN

RESPONDENTS:

- 1 AMEEN RASHID K.P., AGED 27 YEARS  
KARUTHENI PARAMBIL, NATTUKAL P.O., MANNARKKAD, PALAKKAD,  
PIN - 678583.
- 2 THE PRINCIPAL, SEEDAC COLLEGE OF ARTS & SCIENCE,  
KOTTAPPURAM P.O., SREEKIRISHNAPURAM, PALAKKAD, PIN -  
679513.  
BY ADVS.  
P E SAJAL (B/O)  
K MANOJ CHANDRAN (B/O)  
P.E.SAJAL  
P.RAVINDRAN (SR.) (R-341)

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 01.02.2024, THE COURT  
ON 14.02.2024 DELIVERED THE FOLLOWING:



**A.MUHAMED MUSTAQUE & SHOBA ANNAMMA EAPEN, JJ.**

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**W.A.No.50 of 2024**  
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**Dated this the 14<sup>th</sup> day of February, 2024**

**J U D G M E N T**

A.Muhamed Mustaque, J.

This writ appeal was filed by the Calicut University. SEEDAC College of Arts and Science in Palakkad District is affiliated with the Calicut University. Shri Ameen Rashid K.P. is a B.A. (Economic) student enrolled during the academic year 2022-25. Ameen Rashid K.P. was elected in Senate election 2023 from the constituency of General Council of the University Union. One Shri Amal C.H., Research Scholar in Department of Physical Education, University of Calicut raised a complaint against Ameen Rashid K.P. stating that, in the



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affidavit filed by him for nomination, he mentioned that he is a regular student of SEEDAC College, but he was actually working as a Project Assistant with Thachanattukara Grama Panchayat. He pointed out that Grama Panchayat appointed him as per its decision dated 6/12/2021 and his period was extended till 31/3/2022. Pointing out that he was not a regular student, his election as a Senate member was questioned by Amal. This complaint was raised on 20/6/2023. The University enquired with the Panchayat as to the engagement of Ameen Rashid K.P. Panchayat gave a reply on 10/7/2023 stating that he was engaged from 9/12/2021 till 12/4/2023 as a Project Assistant. Thereafter, the Registrar, who was the Returning Officer scheduled a hearing on the complaint and, the Vice Chancellor heard the complainant and Ameen Rashid K.P. Based on the hearing, the Vice Chancellor ordered that Ameen Rashid K.P. shall be removed from the rolls as he had not attended class on a single day in the first semester and directed the Principal to cancel the admission given to Ameen Rashid K.P. and report the same to the University. This order was passed on 25/7/2023.



Based on the above direction, the Principal of SEEDAC College ordered cancellation of admission to Ameen Rashid K.P.as per its order dated 14/8/2023.

2. Ameen Rashid K.P. states that the College was granted affiliation by the University only on 17/11/2022 and in the provisional affiliation granted it is stipulated that classes shall commence on the 7th working day after the Press release. It was further directed therein that the College should conduct extra classes during holidays and mid-summer vacation to compensate for academic days' loss. This was for the reason that affiliation was granted belatedly by the University after the commencement of the academic year. Therefore, according to him, College arranged online classes and he attended the classes online. He points out to Ext.P11 produced along with the writ petition issued by the Principal of the College certifying as follows:



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Ref:( 1) U.O.No.21876/2022/Admn  
17/11/2022

CU. Dated

TO WHOM IT MAY CONCERN

This is to certify that AMEENRASHID K P, was a student of this institution for BA ECONOMICS Degree Program from 03/12/2022 to 08/08/2023 (Admission No.183/2022 with Date 03/12/2022).

As per reference cited above (1), starting of classes in the First Semester was 08/12/2022

Normally, 90 working days are there in a Semester. But as BA Economics Degree Course was affiliated only as per reference cited (1) and as per clause iv., extra classes has been given to complete the lessons in stipulated time frame.

Hence, online classes were also given over and above regular classes to BA Economics Degree Students during First Semester from 08/12/2022 to 28/02/2023 to complete the first semester classes.

Ameenrashid KP attended actively on all online classes from 08/12/2022 to 28/02/2023.

Attendance has been given to all the students who have attended the online classes and this has been informed to University.

22/8/2023

Sd/-

PRINCIPAL  
SEEDAC COLLEGE OF ARTS & SCHIENCE  
KOTTAPPURAM (PO), SREEKRISHNAPURAM  
PALAKKAD (DIST), KERALA - 679513

3. Ameen Rashid K.P. has a case that he worked as Project Assistant on daily wage basis and he used to work on holidays



and at night and, therefore, he attended online classes offered by the College along with other students.

4. Challenging order of the Principal, Ameen Rashid K.P. approached this Court in writ petition. The learned Single Judge noted that none of the 9 students attended the regular classes and therefore, singling out Ameen Rashid K.P. is legally unsustainable. Accordingly, the order of the Principal of SEEDAC College was set aside. In that matter, the College Principal also filed a counter and also produced attendance register. In the attendance register, it is discernible that none of the 9 students attended College.

5. We are at the outset dismayed by the action initiated by the University. Affiliated College is a self-financing College. The complaint raised before the University was in regard to selection as a senate member. If there was no irregularity in selecting a senate member, the University ought to have stopped the matter there. The self-financing College has authority to maintain discipline in its own College in regard



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to attendance of the College. No doubt, they are also bound by regulation based on affiliation. There may be situations where a College may be compelled to take action against students due to absence. The Calicut University CBCS Regulation states that a student who is continuously absent for 14 days without sufficient reason and proper intimation to the Principal of the College, shall be removed from the rolls. This has to be done by the College, if they are of the view that the student is continuously absent. Yet another situation would arise, when a student lacks attendance to appear for University exam. In that sense, if it is not within condonable limit, the University can refuse to register for the examination. In all these circumstances, the role of the University is only of a supervisory nature, as the authority to determine the factum of absence from classes is with the Principal of the College. The Principal has no case that Ameen Rashid K.P. did not attend the classes. Ext.P11 certifies the same. The Principal cannot surrender his freedom to take action against a student, to the University. The College has a definite case that the student



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attended the classes online. If conducting classes online is not permissible, the University will have to take action against the College and not against the student who attended the classes online. If the College had conducted classes online and allowed the students to attend classes online, we do not understand why the University is showing undue interest in this matter. The University need to have concern on the standards of education but not in a way of chasing wild goose. The Principal certified that Ameen Rashid K.P. attended the classes. The college has no case that he was not continuously absent for 14 days. Therefore, without conducting an enquiry whether such a certificate was issued by the college falsifying the facts, the University could not have ordered cancellation of admission. In the enquiry conducted by the Vice Chancellor in relation to the conduct of classes online, it is observed that no permission was granted to the College to hold online classes. If that be the case, the students who have taken online classes cannot be punished for the action of the College. There is no University provision barring a student from having a regular engagement or part time





engagement. The question in those circumstances is only related to attendance of such students in classes. As we already noted, the University in a complaint related to the election to senate, overreached the enquiry and directed the Principal to take action in a matter which falls completely under domain of the Principal of the College. It is to be noted that this is only pertaining to first semester and apparently, the University also allowed Ameen Rashid K.P. to write the first semester examination. The University never raised any complaint while allowing to register for exam. In that view of the matter, the University now in a proceedings challenging the selection of the student in an election matter, cannot collaterally decide a question on non-attendance and decide against the student. At the best, the University could only have ordered through the Principal as to the actual attendance of the student and to report to the University. As we have noted that the Principal having certified that he is having sufficient attendance and there is no statement by the Principal that Ameen Rashid K.P. was absent for more than 14 days, the University could not have directed the Principal to



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cancel his admission. As observed earlier, the University's role in private College is to the limited extent to ensure that University regulations are followed or not. The University cannot assume the role of Principal and direct the College Principal to act on their direction. Absolutely there is no merit in this writ appeal. The writ appeal fails, and it is accordingly, dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

Sd/-

SHOBA ANNAMMA EAPEN, JUDGE

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APPENDIX OF W.A.NO.50/2024

**PETITIONER'S ANNEXURES:**

- ANNEXURE A1 A TRUE COPY OF THE COMPLAINT RECEIVED FROM SRI. MUHAMMED SABEEL K DATED 19.06.2023.
- ANNEXURE A2 A TRUE COPY OF THE COMPLAINT RECEIVED FROM SRI. ANWAR S. H DATED 21.06.2023.
- ANNEXURE A3 TRUE COPY OF THE COMPLAINT RECEIVED FROM SRI. AMAL C. H DATED 20.06.2023 ALONG WITH ENGLISH TRANSLATION.
- ANNEXURE A4 A TRUE COPY OF THE LETTER NO 26475/ELECTION-ASST-1/2018/ADMN ISSUED BY THE CALICUT UNIVERSITY DATED 06.07.2023 ALONG WITH ENGLISH TRANSLATION.
- ANNEXURE A5 A TRUE COPY OF THE LETTER DATED 10.07.2023 RECEIVED FROM THE SECRETARY THACHANATTUKARA GRAMA PANCHAYAT, ALONG WITH ENGLISH TRANSLATION.
- ANNEXURE A6 A TRUE COPY OF THE LETTER OF INTIMATION DATED 11.07.2023 ISSUED BY THE UNIVERSITY TO THE 1 ST RESPONDENT.
- ANNEXURE A7 A TRUE COPY OF THE RELEVANT PAGES OF THE ATTENDANCE REGISTER.
- ANNEXURE A8 A TRUE COPY OF THE RELEVANT PAGES OF THE CALICUT UNIVERSITY CBCSS REGULATION 2019.
- ANNEXURE A9 A TRUE COPY OF THE ACADEMIC CALENDAR DATED 30.05.2023.
- ANNEXURE A10 A TRUE COPY OF THE SUBMISSION OF THE PRINCIPAL, SEEDAC COLLEGE OF ARTS & SCIENCE, KOTTAPPURAM DATED 25.07.2023, ALONG WITH ENGLISH TRANSLATION.
- ANNEXURE A11 A TRUE COPY OF THE PROCEEDINGS OF THE HEARING CONDUCTED BY THE VICE CHANCELLOR ON 25.07.2023, ALONG WITH ENGLISH TRANSLATION.