

MAHATMA GANDHI UNIVERSITY

No. Ac.A1/3/2114/2008

Priyadarsini Hills,
Dated 06.11.2008.**CIRCULAR**

Sub: Judgement pronounced by the Hon'ble Supreme Court in SLP (C) No. 3569/2007- Mahatma Gandhi University Vs Gis Jose and others- upholding the stance of the University to rescind the admission of candidates who do not satisfy the eligibility criteria prescribed by the University for admission to the Programmes and fixing liability on Directors of University Schools and Departments/Principals of affiliated colleges/Centre Co-ordinators of Off-Campus Centres concerned - Issuance of guidelines - reg.

The Single Bench of the Hon'ble High Court of Kerala had dismissed a writ petition filed by Gis Jose and others who had approached the High Court seeking direction to regularize the irregular admission given to them by the college concerned.

The petitioners then moved the Division Bench of the Hon'ble High Court of Kerala and the Division Bench set aside the judgement of the Single Bench and directed the University to regularize the admission given to the petitioners.

Subsequently, the University filed a Special Leave Petition before the Hon'ble Supreme Court and the Supreme Court allowed the appeal filed by the University and restored the decision of the Single Bench by setting aside the verdict of the Division Bench.

The gist of the observations made by the apex court while delivering the judgement is given below:

"This court has on several occasions earlier deprecated the practice of permitting the students to pursue their studies and to appear in the examination under the interim orders passed in the petitions. In most of such cases, it is ultimately pleaded that since the Programme was over or the result had been declared, the matter deserves to be considered sympathetically. It results in very awkward and difficult situations. Rules stare straight into the face of the plea of sympathy and concessions, against the legal provisions.....".

In the light of the judgement of the Supreme Court, the University considered the whole aspect of the matter in detail and it has been decided to issue the following guidelines to the Directors of the Schools/ Principals of affiliated colleges/Centre Co-ordinators of Off-Campus Centres.

- (1) Before granting admission to a candidate, the authorities of the institutions concerned shall ensure that the applicant satisfies the eligibility criteria prescribed by the University.
- (2) To fix the liability of the irregular admission on the Director/Principal. Admission of students who do not satisfy the minimum eligibility criteria prescribed by the University, admissions made beyond the sanctioned strength, admissions made contrary to the stipulations laid down in the notification issued by the University, admissions made contrary to the stipulations laid down by the regulatory bodies concerned, if any, in the case of professional Programmes etc are included under the ambit of irregular admissions. Any doubtful cases of eligibility and qualifications should be referred to the University for clarification. In such cases, admission should be offered only after receiving the clarifications.
- (3) Any lapse on the part of the Head of the institution with regard to the irregular admission shall be viewed seriously and punitive action will be initiated against the erring authorities.
- (4) If any candidate who falls short of the eligibility criteria fixed by the University has already been admitted by mistake, the authorities concerned shall not forward the applications of such candidates for registering for the examinations, and the admissions granted to such candidates shall be cancelled forthwith.

The Directors of Schools/Principals of affiliated colleges/Centre Co-ordinators of the Off-Campus Centres are directed to strictly adhere to the above guidelines.

Sd/-
REGISTRAR

Copy to:

1. The Principals of the affiliated colleges
2. Directors of all Schools/Departments
3. Co-ordinators of Off-Campus Centres
4. PS to VC/PVC
5. PA to Registrar/FO/CE/DCDC
6. PRO for issuing a press release
7. JRs/DRs/ARs
8. Academic/Examination Sections/Information Centres of the University
9. Legal/Exam Legal Sections
10. Stock File/File Copy:
11. Records Section.

Approved for Issue,

Section Officer.