

## Sara Nazer Vs Mahatma Gandhi University And Ors

**Court:** High Court Of Kerala

**Date of Decision:** Jan. 28, 2021

**Hon'ble Judges:** Anu Sivaraman, J

**Bench:** Single Bench

**Advocate:** M. Sasindran, V. Venugopal, Asok M.Churian

### Judgement

1. This writ petition is filed seeking the following reliefs :-

i) to set aside Ext.,P4 in so far as it shown the index marks of the petitioner as 690 instead of 872 for Integrated M.Sc.

ii) to set aside Ext.P7(a) and 4th supplementary allotment for Integrated M.Sc. Environmental Science in so far as it does not includes the petitioner

and in so far as it includes the candidates who got lessor marks than the petitioner for admission to the Integrated M.Sc. Environmental Science.

iii) to a writ of mandamus or any other writ order or direction commanding the respondents to include the petitioner's name in the allotment for

Integrated M.Sc. Environmental Science and admit the petitioner.

iv) to declare that the marks obtained in Psychology paper of the plus two course is to be added to the total marks obtained in Part III of the qualifying

examination for preparing the rank list of Integrated Master of Science in Environmental Science.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent University.

3. The learned counsel for the petitioner submits that the non-inclusion of the petitioner's candidature for admission to the Integrated M.Sc in

Environmental Science in spite of the marks scored by her is totally illegal. It is submitted that Ext.P3 prospectus provides the means by which the

marks have to be awarded to the candidates. It is submitted that the petitioner had passed CBSE 12th examination and Ext.P2 is the marklist, which

shows that she had obtained sufficiently high marks. However, without considering the marks for any of the other subjects, only the total marks

obtained by the petitioner with normalisation is taken into account and only 690 marks has awarded to the petitioner as is evident from Ext.P8. It is

further submitted that there are no other applicants to the Integrated M.Sc Environmental Science course and that the petitioner would be eligible for

admission even if 690 marks is taken as her index marks.

4. The learned Standing Counsel appearing for the University would submit that the procedure prescribed in Ext.P3 prospectus has been followed

scrupulously by the University and that the petitioner is eligible only for 690 marks for the purpose of admission to the Integrated M.Sc Environmental

Science course. It is submitted that the admissions are to be made through the Centralised Allotment Process and that the petitioner's claim can also

be considered for admission to the Integrated M.Sc Environmental Science course along with other eligible candidates, in accordance with law.

In the above view of the matter, this writ petition is disposed of directing that the seat, which is kept unfilled on the basis of the interim order of this

Court dated 21.12.2020 will be filled up through the allotment process, taking note of the eligible candidates and in accordance with law. In case there

are no other candidates having better marks than the petitioner, the petitioner shall be considered for admission to the Integrated M.Sc Environmental

Science course.