

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 4TH DAY OF AUGUST 2022 / 13TH SRAVANA, 1944

WP(C) NO. 24275 OF 2022

PETITIONERS:

- 1 FATHIMA S, D/O. IBRAHIM NAZEERUDEEN, THAYYIL HOUSE,
KOCHUVILA, PERINGAMMALA, TRIVANDRUM - 695 008.
- 2 FATHIMA AFRIN NOUSHAD, PUTHETHU HOUSE, PUTHUPADY.P.O.,
PERUMATTOM, MOOVATTUPUZHA - 686663.
- 3 MOHAMMED ZAYAN, NEDUVANCHERRY HOUSE, TRIKKANDIYOOR.P.O,
TIRUR, MALAPPURAM DISTRICT - 676 104.
- 4 I. SREYA, KASHMEERAM HOUSE, AKAMPADAM, ERANHIMANGAD.P.O.,
NILAMBUR, MALAPPURAM - 679 329.
- 5 AMEELA SALIM, MARATTICHALIL, KOOVALLOOR,
ERNAKULAM DISTRICT - 686671.
- 6 BIYA BENNY, MALIAKAL HOUSE, THERTHALLY.P.O,
ALAKKODE, KANNUR - 675432.
- 7 MEHARIN MUSTAFFA, PATTANTAYYATH, KARAZHMA, VALLIKKUNNAM,
ALAPPUZHA DISTRICT - 688 001.

BY ADVS.KURIAN GEORGE KANNANTHANAM (SR.)
P.M.SANEER
TONY GEORGE KANNANTHANAM

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 THE COMMISSIONER FOR ENTRANCE EXAMINATIONS, 5TH FLOOR,
K.S.H.B. BUILDING, THIRUVANANTHAPURAM - 695 001.

BY ADVS.SRI.P.G.PRAMOD, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ALONG WITH
WP(C)NO.24942/2022 ON 04.08.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 4TH DAY OF AUGUST 2022 / 13TH SRAVANA, 1944

WP(C) NO. 24942 OF 2022

PETITIONERS:

- 1 ANUGRAHA KRISHNAN, THAIVALAPPIL HOUSE,
ALINAPURAM, THURUTHI P.O, CHERUVATHUR,
KASARGOD DISTRICT-671351.
- 2 LEKSHMI K ANIL, VALLATTIVILAYIL, VALLIKUNNAM P.O,
ALAPPUZHA, PIN- 690501.
- 3 ARSHA SAJEEV, ANJANEYAM, OZHUKKUPARA,
POLACHIRA P.O, KOLLAM-691334.
- 4 HESSA SUNINA HASHEEM, THEKKUMPALLIYALIL HOUSE,
MELEPATTAMBI, PALAKKAD DISTRICT. PIN- 679306.

BY ADVS.KURIAN GEORGE KANNANTHANAM (SR.)
P.M.SANEER
TONY GEORGE KANNANTHANAM

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY SECRETARY TO
GOVERNMENT, HEALTH & FAMILY WELFARE DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 2 THE COMMISSIONER FOR ENTRANCE EXAMINATIONS,
5TH FLOOR, K.S.H.B. BUILDING,
THIRUVANANTHAPURAM - 695 001.

BY ADVS.SRI.P.G.PRAMOD, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ALONG WITH WP(C) NO.24275/2022 ON 04.08.2022, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

[WP(C) Nos. 24275/2022 & 24942/2022]

I am disposing of both these writ petitions together, because the constitutive issues impelled therein are analogous and the reliefs sought for are similar, if not identical.

2. Sri.Kurian George Kannanthanam - learned Senior Counsel, instructed by Sri.P.M.Saneer - learned counsel appearing for the petitioners, explained that the petitioners in these cases have been constrained to approach this Court because the 2nd respondent - Commissioner for Entrance Examinations is refusing to grant them another opportunity of modifying their option, for being included in the NRI Quota for admission to the MBBS Course in the year 2022-23.

3. The learned Senior Counsel submitted that, as is evident from the statement produced on record on behalf of the 2nd respondent, the

candidates have been allowed to change their subjects or to add on to it, in supplementation of their original options; but when it comes to an opportunity to opt for the NRI seats, they say that this will cause delay in the verification process. The learned Senior Counsel argued that this excuse given by the 2nd respondent can only be seen to that and nothing more, since the results of the NEET examinations have not been even yet published.

4. On hearing the learned Senior Counsel on the afore lines on 01.08.2022, when these matters were listed, I passed the following interim order:

"The only objection raised by the learned Government Pleader is that by granting an additional option at this time the verification Process will be denied. Prima facie, I cannot accept this because the NEET result has not yet been published and I see no reason why the exercise of option at this time should delay the process particularly when, through impugned order, candidates are given option to change their subjects.

The learned Government pleader will, therefore, file counsel statement or

counter pleadings as he is advised by the next posting date.

List on 04.08.2022."

5. Today, the learned Government Pleader - Sri.P.G.Pramod, conceded that the statement filed by his client avers that candidates who have already submitted applications are allowed to add required courses as per their eligibility. He submitted that, however, if the candidates are now allowed to opt for the NRI seats also, it would cause unnecessary delay in the verification process.

6. I must say that I cannot find favour with the afore submissions of Sri.P.G.Pramod because, as rightly argued by the learned Senior Counsel - Sri.Kurian George Kannanthanam, even the results of the NEET examinations have not yet been published and candidates are even now allowed to opt for other or additional subjects. When these factors not controverted, I fail to understand how

the verification process can be delayed merely because candidates are allowed to opt for the NRI seats also. This is particularly when, as is admitted, they are allowed to add required courses in the already submitted applications.

7. In the afore circumstances, I am certain that the petitioners in these writ petitions are entitled to relief.

8. Presumably, being aware of the mind of this Court as afore, Sri.P.G.Pramod - learned Government Pleader, submitted that, if this Court is so inclined, then the Online Portal for the candidates can be kept open for a specified period, so that the process will not be delayed *ad infinitum*. He suggested that this Court allow the respondents to keep the Portal open for a period of 10 days from tomorrow (05.08.2022).

9. I am certain that it will be prudent in accepting the afore suggestion of the learned

Government Pleader, because it will be unjustifiable to keep the Portal open without any specified time frame.

Resultantly, I order these writ petitions, directing the competent Authorities to keep the Online Portal open for the petitioners and all other candidates, to make options to the NRI Quota, for a period of 10 days from 05.08.2022.

Needless to say, I have not spoken about the entitlement of the petitioners or any other person to be granted the benefits under the NRI quota; and this will be subject to all requisite and mandatory criteria being satisfied by them, notwithstanding the permission to make an option as granted above.

Sd/-
DEVAN RAMACHANDRAN
JUDGE

akv

APPENDIX OF WP(C) 24942/2022

PETITIONER EXHIBITS

- | | |
|------------|---|
| EXHIBIT P1 | TRUE COPY OF THE NOTIFICATION
NO.C.E.E./26/2022-TA2. DATED 6-4-2022 ISSUED
BY THE 2ND RESPONDENT. |
| EXHIBIT P2 | TRUE COPY OF THE NOTIFICATION DATED 4-5-
2022 ISSUED BY THE 2ND RESPONDENT. |
| EXHIBIT P3 | TRUE COPY OF THE PUBLIC NOTICE DATED 15-5-
2022 BY THE NATIONAL TESTING AGENCY. |
| EXHIBIT P4 | TRUE COPY OF THE NOTIFICATION DATED 30-5-
2022 ISSUED BY THE 2ND RESPONDENT. |
| EXHIBIT P5 | TRUE COPY OF THE REPRESENTATIONS NIL DATED
SUBMITTED BY THE 1ST PETITIONER, BEFORE THE
2ND RESPONDENT |
| EXHIBIT P6 | TRUE COPY OF THE NOTIFICATION DATED 22-7-
2022 ISSUED BY THE 2ND RESPONDENT. |

RESPONDENT'S/S EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

APPENDIX OF WP(C) 24275/2022

PETITIONER EXHIBITS

EXHIBIT P1	TRUE COPY OF THE NOTIFICATION NO.C.E.E./26/2022-TA2. DATED 6-4-2022 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P2	TRUE COPY OF THE NOTIFICATION DATED 4-52022 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P3	TRUE COPY OF THE PUBLIC NOTICE DATED 15- 52022 BY THE NATIONAL TESTING AGENCY.
EXHIBIT P4	TRUE COPY OF THE NOTIFICATION DATED 30-5- 2022 ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P5	TRUE COPY OF THE E.MAIL REPRESENTATIONS DATED 21-7-2022 BY THE 7TH PETITIONER
EXHIBIT P6	TRUE COPY OF THE NOTIFICATION DATED 22-7 2022 ISSUED BY THE 2ND RESPONDENT.

RESPONDENT'S/S EXHIBITS : NIL.

**//TRUE COPY//
P.A. TO JUDGE**