

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 9TH DAY OF NOVEMBER 2017/18TH KARTHIKA, 1939

WP(C).No. 30484 of 2017 (I)

PETITIONER(S):

AMINA A.
ATTALADA HOUSE, ANDROTH ISLAND,
UNION TERRITORY OF LAKSHADWEEP.

BY ADVS.SRI.K.B.GANGESH
SMT.SMITHA CHATHANARAMBATH

RESPONDENT(S):

1. ADMINISTRATOR
ADMINISTRATION OF UNION TERRITORY OF LAKSHADWEEP,
KAVARATTI-682555.
2. THE DIRECTOR OF EDUCATION
DIRECTORATE OF EDUCATION, LAKSHADWEEP ADMINISTRATION,
KAVARATTI-682555.
3. THE PRINCIPAL
P.M.SAYEED CALICUT UNIVERSITY CENTRE, ANDROTH ISLAND,
LAKSHADWEEP-682551.
4. UNIVERSITY OF CALICUT
CALICUT UNIVERSITY P.O., THENJIPALAM,
MALAPPURAM DIST,
REPRESENTED BY ITS REGISTRAR.
5. MUYEENUDHEEN A.B.
ALIYATHUMMADA BEEBIYAPURA HOUSE, ANDROTH ISLAND,
LAKSHADWEEP-682551.
6. SALVA M.V.
MOULANA VEEDU HOUSE, ANDROTH ISLAND,
LAKSHADWEEP-682551.

R1& R2 BY SRI.MANU.S, CGC, ADMINISTRATION OF THE UNION
TERRITORY OF LAKSHADWEEP
R4 BY SRI.P.C.SASIDHARAN, SC, CALICUT UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
09-11-2017, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C).No. 30484 of 2017 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1** TRUE COPY OF THE CASTE CERTIFICATE ISSUED TO THE PETITIONER DATED 3-11-2015.
- EXHIBIT P2** TRUE COPY OF THE INSTRUCTIONS FOR CANDIDATES APPLYING FOR ONLINE SEAT ALLOTMENT WITH MODEL APPLICATION FORM.
- EXHIBIT P3** TRUE COPY OF THE RULES FOR SELECTING CANDIDATES FOR NOMINATIONS AGAINST THE SEATS RESERVED BY THE ADMINISTRATION FOR HIGHER STUDIES.
- EXHIBIT P4** TRUE COPY OF CIRCULAR F.NO.04/27/2011-EDN.(AW) DATED 20-06-2017 ISSUED BY THE LAKSHADWEEP ADMINISTRATION.
- EXHIBIT P5** TRUE COPY OF COMMUNICATION DATED 12-9-2017 ISSUED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT.
- EXHIBIT P6** TRUE COPY OF NOTICE DATED 13-9-2017 ISSUED BY THE LAKSHADWEEP ADMINISTRATION.
- EXHIBIT P7** TRUE COPY OF FINAL LIST OF B.COM. SPOT ADMISSION PUBLISHED BY THE 3RD RESPONDENT.
- EXHIBIT P8** TRUE COPY OF REPRESENTATION DATED 18-9-2017 PREFERRED BY THE PETITIONER TO THE 2ND RESPONDENT.

RESPONDENT(S)' EXHIBITS: NIL

//TRUE COPY//

P.A. TO JUDGE

dlk

SHAJI P. CHALY, J.

W.P.(C) No. 30484 of 2017

Dated this the 9th day of November, 2017

JUDGMENT

This writ petition is filed by the petitioner seeking to quash Ext.P7 select list issued by the third respondent in so far as it has selected respondents 5 and 6 for B.Com., spot admission to PM Sayeed Calicut University centre, Androth in Lakshadweep Islands and other consequential reliefs also.

2. Material facts for the disposal of the writ petition are as follows:-

Petitioner is an applicant for B.Com course offered in PM Sayeed Calicut University Centre, specified above, which is affiliated to the 4th respondent University. The admission to the course is through online allotment process. After conducting counselling, vacant seats due to subsequent dropout are to be filled up by spot admission. For the purpose of spot admission also respondents are duty bound to follow the stipulations contained in Exts.P2 to P4 that governed online seat allotment process.

3. It is also submitted that, as per the rules governing the seat allotment process, only candidates who had applied online

are to be considered for selection. While conducting selection, ST candidates are to be given first preference and only if ST candidates are not available, candidates belonging to other categories are to be considered. In the spot admission conducted for B.C.om course vide Ext.P7, the 6th respondent who is a non ST candidate has been selected overlooking the claim of the petitioner, who is an ST candidate. The 6th respondent has also not applied online for selection. The selection of the 5th respondent is also attacked on the reason that he is a person who has already joined B.Sc Aquaculture Course in the study centre pursuant to seat allotment during counselling. As per clause 5 of Ext.P4, he is not entitled to cancel such admission and to participate in the subsequent spot admission for another course. Therefore, it is contended that, Ext.P7 select list is arbitrary and illegal, necessitating interference of this Court invoking the extraordinary jurisdiction conferred under Article 226 of the Constitution of India.

4. I have heard learned counsel for the petitioner, learned standing counsel for the University and learned standing counsel appearing for the Lakshadweep Administration.

5. Even though notice is served on respondents 5 and 6, there is no appearance.

6. Various contentions are raised with respect to the illegality in Ext.P7. However, during the course of the argument on instructions it is submitted by learned standing counsel for the Lakshadweep Administration that, one seat is vacant after the spot admission in the third respondent centre at Androth Islands. Therefore, since the period of spot admission and time limit prescribed by the Calicut University for the admission to B.Com course is also over, appropriate directions can be issued to admit petitioner, which will also avoid the consequence of non-filling the seat.

7. Learned standing counsel for the University pointed out that, the semester examination is to take place during November last. It is further pointed out that, if admission is ordered to be granted to the petitioner there is a likelihood of attendance shortage also. However, from the facts and circumstances I find that, as per the rank list drawn, petitioner who is a ST candidate was eligible to secure admission to the college, however legality of the said issue is not being attempted

to sort out now, since there is a seat vacant in the third respondent centre.

8. In that view of the matter there will be a direction to the third respondent to admit the petitioner in the college, at the earliest possible. The University is also directed to take note of the directions issued in the judgment, for effective consideration of any issue crops up in respect of the attendance shortage, that is likely to be cropped up having secured the admission by virtue of this judgment. A finality shall be attained to the issue by the third respondent, at the earliest possible, and at any rate within a week from the date of receipt of a copy of this judgment.

9. I also make it clear that, the petitioner will have to satisfy all the requisite conditions that are necessitated for securing admission in the third respondent centre. The question of law raised in the writ petition in respect of the entitlement of the similar candidates is left open.

Writ petition is disposed of accordingly.

Sd/-

SHAJI P. CHALY, JUDGE

dlk/9/11/