

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE AG.CHIEF JUSTICE MR.ASHOK BHUSHAN
&

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WA.No. 683 of 2015 () IN WP(C).3518/2015

AGAINST THE JUDGMENT IN WP(C) 3518/2015 of HIGH COURT OF KERALA
DATED 12-03-2015

APPELLANT(S)/PETITIONER IN WP(C) NO.3518/15 :-

DR.R.N.K SHANKAR, AGED 50 YEARS
S/O.S.RENGAN REDDIAR, SREE RANGA SOUDAM
ALAPPUZHA WEST VILLAGE, ALAPPUZHA DISTRICT

BY ADVS.SRI.S.SHANAVAS KHAN
SMT.S.INDU

RESPONDENT(S)/RESPONDENTS IN WP(C) NO.3518/15 :-

1. THE DIRECTOR
DIRECTORATE OF MEDICAL EDUCATION
THIRUVANANTHAPURAM - 695 011.
2. THE COMMISSIONER OF ENTRANCE EXAMINATIONS
OFFICE OF THE COMMISSIONER OF ENTRANCE EXAMINATIONS
THIRUVANANTHAPURAM - 695 001.

BY SR.GOVERNMENT PLEADER SRI.ROSHAN D.ALEXANDER

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 23-03-2015, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, Ag. C.J &
A.M. SHAFFIQUE, J.**

W.A. No.683 of 2015

Dated this the 23rd day of March 2015

J U D G M E N T

Shaffique, J.

The petitioner in the writ petition is the appellant, who challenges the judgment dated 12.3.2015 in W.P.(C) No.3518 of 2015, by which, the writ petition filed by the petitioner was dismissed. The writ petition was filed seeking for a declaration that non-inclusion of Reddiar Community in the list of SEBC in Annexure-VII of the Prospectus for Entrance Examinations for Post Graduate Medical Courses, 2015 issued by the 2nd respondent is unconstitutional and for a direction to the 2nd respondent to include the said community as SEBC in the Prospectus for the relevant course in the year 2015.

2. The facts involved in the writ petition would disclose that the petitioner who claims to be belonging to Reddiar Community had applied for the course under the 'service quota candidate'. Later, he had come to know about the notification dated 23.5.2014 by way of Ext.P2, by which, certain communities had been included in the SEBC list for admission to professional colleges, Higher Secondary and Vocational Higher Secondary

-: 2 :-

schools. In the said list, the Reddiar Community has also been included as serial No.16. This, according to the petitioner, had given a valid right to the petitioner to claim that for the Post Graduate Medical Entrance Examination as well, the Reddiar community ought to have been included whereas, in the Prospectus for the year 2015, the Reddiar Community has been specifically excluded from the list of SEBC. It is also pointed out that as per Ext.P3, which is part of the Prospectus for admission to Undergraduate Medical Courses, the said community has been included as serial No.82.

3. A statement was filed by the first respondent inter alia contending that Ext.P2 Government Order has no application to the Post Graduate Medical Admission whereas the same applies only for admission to professional courses, which is undergraduate courses, Higher Secondary and Vocational Higher Secondary schools. As far as the petitioner is concerned, he had applied under the service quota and therefore, he was not eligible for SEBC status and since the Reddiar Community was not included in the Prospectus, he was not eligible for being considered under the SEBC.

4. Having regard to the aforesaid factual situation, the learned Single Judge dismissed the writ petition forming an

-: 3 :-

opinion that Ext.P2 order was issued only for the purpose of granting reservation for some other community coming under the category 'Other Backward Communities' (OBC) to avail the benefit of reservation granted to 'Other Eligible Communities' (OEC). Under such circumstances, according to the learned Single Judge, the petitioner was not entitled to any relief as claimed in the writ petition and accordingly, dismissed the same.

5. Heard the learned counsel appearing for the appellant as well as the learned Special Government Pleader appearing on behalf of the respondent.

6. It is not in dispute that as per Ext.P1 Prospectus, the Reddiar Community has not been included as the category entitled for admission under SEBC quota. The appellant raised the claim on the basis of Ext.P2, which according to the Government is a list of Other Backward Communities, which are eligible for educational concessions. Though Reddiar Community also formed part of Ext.P2, in so far as in the Prospectus for Post Graduate Admissions, the said community had been specifically excluded, it clearly indicates that the intention of the Government is not to include the said community for giving the benefit of SEBC in respect of Post Graduate admission. Apparently, there is difference in the form of reservation or concession being granted

-: 4 :-

to various communities in the Undergraduate Course as well as in Post Graduate Course. In a Post Graduate Course, there is no mandate that the concession granted or a reservation given to a particular community in the Undergraduate Course should be extended to Post Graduate Course.

7. Under such circumstances, we do not find any error in the judgment of the learned Single Judge for having taken the view that Ext.P2 has no application.

No grounds are made out to interfere with the judgment of the learned Single Judge. Hence, the appeal is dismissed.

Sd/-
ASHOK BHUSHAN
Ag. CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//TRUE COPY//

P.A. TO JUDGE

Jvt