

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

TUESDAY, THE 29TH DAY OF SEPTEMBER 2015/7TH ASWINA, 1937

WA.No. 2133 of 2015 () IN WP(C).28706/2015

AGAINST THE JUDGMENT IN WP(C) 28706/2015 DATED 23-09-2015

APPELLANT(S)/PETITIONER :-

SUDHA KRISHNA.T.K (MINOR), AGED 17 YEARS
REPRESENTED BY HER FATHER AND GUARDIAN T.K.SUDHAKARAN
S/O. RAMAKRISHNAN T.K., AGED 54 YEARS,
THANNIKUNNATH HOUSE, POST Nhangattiri,
VIA Pattambi, Palakkad District.

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENT(S)/RESPONDENTS :-

1. THE DIRECTOR GENERAL OF HEALTH SERVICES
DIRECTORATE GENERAL OF HEALTH SERVICES
NIRMAN BHAVAN, NEW DELHI-110 108.
2. THE DIRECTOR OF MEDICAL EDUCATION
KERALA STATE, DIRECTORATE OF MEDICAL EDUCATION
THIRUVANANTHAPURAM-695 001.
3. CENTRAL BOARD OF SECONDARY EDUCATION
ALL INDIA PRE-MEDICAL TEST UNIT, SHIKSHA KENDRA, 2,
COMMUNITY CENTRE, PREET VIHAR, NEW DELHI-110 092
REPRESENTED BY ITS SECRETARY.
4. THE COMMISSIONER FOR ENTRANCE EXAMINATION
GOVERNMENT OF KERALA, 5TH FLOOR, KSHB BUILDINGS
SHANTHI NAGAR, THIRUVANANTHAPURAM-695 001.
5. THE PRINCIPAL
MEDICAL COLLEGE, KOZHIKODE
KOZHIKODE DISTRICT-673 001.

R1 BY ADV. SRI.T.V.VINU, CGC
BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
BY SR.GOVERNMENT PLEADER SRI.C.R.SYAMKUMAR
BY SRI.DEVAN RAMACHANDRAN, SC, CBSE

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 29-09-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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

W.A. No.2133 of 2015

Dated this the 29th day of September 2015

J U D G M E N T

Shaffique, J.

The petitioner in W.P.(C) No.28706 of 2015 is the appellant, who challenges the judgment dated 23.9.2015, by which, the said writ petition has been dismissed by the learned Single Judge without going into the merits of the contentions urged on behalf of the petitioner.

2. The petitioner had applied for appearing for All India Pre Medical Test (AIPMT) for the academic year 2015-'16. She secured 55.7% marks and became qualified. However, the petitioner did not get admission in the All India Quota. According to the petitioner, 15% of the seats in the All India Quota are to be reserved for those who write AIPMT and 5 times of the total seats available in the 15% quota alone was considered for counselling. The contention urged on behalf of the petitioner was that the fixation of that cut off as 5 times of the total seats available in the 15% quota for counselling was arbitrary and illegal. However, it is seen from Ext.P5 Scheme, which was approved by the Supreme Court, a total of five times of number of seats available for allotment would be given chance to participate in the counselling.

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3. Learned counsel for the appellant submits that though the said restriction had been imposed in terms of the judgment of the Supreme Court in Writ Petition (Civil) No.443 of 1992, the said decision ought not to have been applied for the present academic year. But, a reference to Ext.P5 would show that the Government had taken a policy decision for admission in accordance with the judgment of the Supreme Court as a guideline and when Ext.P5 is not under challenge, we do not think that the petitioner is entitled for any relief sought for in the writ petition.

4. Under such circumstances, the learned Single Judge was justified in not entertaining the writ petition. However, it is made clear that the issue raised by the petitioner is left open to be decided in appropriate proceedings.

This writ appeal is hence, dismissed.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE