

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 11TH DAY OF FEBRUARY 2015/22ND MAGHA, 1936

WP(C).No. 3110 of 2015 (K)

PETITIONER:

**JOHN AUGUSTINE, AGED 51 YEARS,
S/O.AUGUSTINE, THOTTAKKARA, PIPELINE ROAD
MALAPARAMBA P O, KOZHIKODE-673009**

BY ADV. SRI.E.NARAYANAN

RESPONDENTS:

- 1. THE STATE OF KERALA
REP BY ITS SECRETARY
THE DEPARTMENT OF TECHNICAL EDUCATION, SECRETARIAT
THIRUVANANTHAPURAM-01.**
- 2. THE ADMISSION FEE REGULATORY COMMITTEE
FOR PROFESSIONAL COLLEGE HEADED BY
JUSTICE J M JAMES, HEAD OFFICE TC 15/1553-4
PRASANTHI BUILDINGS, M P APPAN ROAD, VAZHUTHACAUD
TRIVANDRUM-PIN-695004.**

**R1 BY SENIOR GOVERNMENT PLEADER SRI.MUHAMMAD
R2 BY SMT.MARY BENJAMIN, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 3110 of 2015 (K)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- THE TRUE COPY OF PAYMENT SLIP DTD 29/7/2014 TOWARDS PAYMENT OF RS 1,75,000/-IN FAVOUR OF COMMISSIONER FOR ENTRANCE EXAMINATION**
- P2:- TRUE COPY OF PAYMENT SLIP DTD 30/7/2014 TOWARDS PAYMENT OF RS 1,66,000/-TO THE DM WIMS MEDICAL COLLEGE**
- P3:- TRUE COPY OF PAPER REPORT PUBLISHED IN MATHRUBHUMI DAILY REGARDING THE SUPREME COURT JUGDMENT**
- P4:- TRUE COPY OF REPRESENTATION DTD 24/12/2014 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT THROUGH EAMIL**

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 3110 of 2015

Dated this the 11th day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"1. Issue a writ of mandamus or any other appropriate order, writ or direction directing the second respondent to dispose of Ext.P4 representation dated 24.12.2014 after affording an opportunity of being heard to the petitioner within such period as stipulated by this Hon'ble Court.

2. To grant such other reliefs as this Hon'ble Court may deem just and fit in the circumstance of the case."

2. When the matter is taken up for consideration, the learned counsel for the petitioner submits that the relief sought for by the petitioner as per Ext.P4 is for relaxation of tuition fee payable to the concerned institution where the petitioner's daughter is pursuing her studies. The learned counsel for the petitioner submits that, the writ petition has been filed as specifically instructed by his daughter and that the petitioner is meeting all the financial requirements of his daughter, who actually belongs to LC category which is a community under the SEBC sector. The learned counsel also points out that no merit adjudication is sought to be exercised in this writ petition and the prayer is only to cause Ext.P4 representation pending consideration

before the 2nd respondent to be considered and disposed of within a reasonable time.

3. Heard the learned Government Pleader and the learned Standing Counsel.

4. In the said circumstance, this Court does not find it necessary to deal with the merits of the case. The writ petition is disposed of, directing the 2nd respondent to consider and pass appropriate orders on Ext.P4 in accordance with law, after giving an opportunity of hearing to the petitioner and also the one who represent the concerned institution where the petitioner's daughter is pursuing the studies. The particulars of the above institution shall be furnished before the 2nd respondent along with a copy of this judgment and writ petition. The proceedings as above shall be finalized at the earliest, at any rate, within 'two months' from the date of receipt of a copy of this judgment.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the concerned respondent for further steps.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.

kp/-