

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

WEDNESDAY, THE 25TH DAY OF MARCH 2015/4TH CHAITHRA, 1937

WP(C).No. 9446 of 2015 (E)

PETITIONER :

**DR.(MAJOR RETD) SHABEEN KUMAR.T., AGED 31 YEARS
S/O.K.M.GOPALAN, RAMANAD, KALLADATHODU
ALAVI PO, KANNUR - 670008**

**BY ADVS.SRI.T.B.HOOD
SMT.M.ISHA**

RESPONDENTS :

- 1. STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM 695001**
- 2. DIRECTOR OF MEDICAL EDUCATION,
MEDICAL COLLEGE P.O., TRIVANDRUM 695011**
- 3. COMMISSIONER FOR ENTRANCE EXAMINATIONS,
HOUSING BOARD BUILDINGS, SANTHI NAGAR,
TRIVANDRUM 695001**

R1 TO R3 BY SENIOR GOVERNMENT PLEADER SRI. JOSEPH GEORGE

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 25-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**P1: TRUE COPY OF THE RELEVANT PAGES OF PROSPECTUS FOR ADMISSION TO
MEDICAL POSTGRADUATE COURSES, 2015.**

**P2: TRUE COPY OF THE REPRESENTATION DATED 16.03.2015 SUBMITTED BY
THE PETITIONER**

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 9446 of 2015

Dated this the 25th day of March, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers:

- “(i) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the respondents to allot one Degree seat to ex-servicemen in the Medical Postgraduate admission, 2015 as requested in Ext.P2 representation submitted by the petitioner.*
- (ii) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the respondents to consider Ext.P2 representation submitted by the petitioner and pass orders thereon as expeditiously as possible.*
- (iii) Issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the respondents to grant admission to the petitioner for a Degree seat in the Medical Postgraduate Course admission, 2015 under ex-servicemen quota.*
- (iv) Pass such other order or direction as this Hon'ble Court deems fit to pass in the circumstances of the case.”*

2. The learned counsel for the petitioner submits that, by virtue of distribution and allocation of seats, one Post Graduate Degree seat was being reserved for Ex-Servicemen, till the year

2008. Subsequently, it came to be changed as Diploma seat. The grievance of the petitioner has been projected by way of Ext.P2, which is pending consideration before the 1st respondent. Prayer is to cause the same to be considered and allot one Post Graduate Degree seat to the Ex-Servicemen.

3. Heard the learned Government Pleader as well, who submits that, the present reservation is as per Clause 6-3 of Ext.P1 which shows the reservation of one seat in Diploma in the Laryngology and Otology, adding that the reservation is done as above on the basis of various requirements.

4. The learned counsel for the petitioner on the other hand submits that, such relief as sought for by the petitioner can be considered even at this stage, by virtue of the mandate under clause 12 of Ext.P1, as there is chance for reversion of the unfilled all India Quota seats to the State quota, to be filled up in the due course.

5. After hearing both the sides, there will be a direction to the 1st respondent to consider Ext.P2 and pass appropriate orders, in accordance with law, considering the grievance projected by the petitioner, who is an Ex-Serviceman who was guarding the

door of our country for considerably long period and the reservation to Ex-Servicemen is with a specific intent. Appropriate orders shall be passed at the earliest, at any rate, before finalising the allotment of the State quota. The seat now offered to the petitioner in respect of the Post Graduate Diploma and the subsequent course and proceedings will be subject to the orders to be passed by the 1st respondent as aforesaid.

The writ petition stands disposed of.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.