

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 21ST DAY OF MAY 2015/31ST VAISAKHA, 1937

WP(C).No. 14505 of 2012 (K)

PETITIONER(S) :

AJMAL K. ,
S/O.ASKAR ALI NEHA, KIZHAKINAKATH
KADALUNDI NAGARAM P.O. , MALAPPURAM DISTRICT.

BY ADVS.SRI.P.K.SURESH KUMAR (SR.) ,
SRI.JAMSHEED HAFIZ.

RESPONDENT(S) :

1. THE COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY
REPRESENTED BY ITS VICE CHANCELLOR,
COCHIN-22, KERALA.
2. THE CONTROLLER OF EXAMINATION,
THE COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY,
COCHIN-22, KERALA.

* ADDL. R3 IMPEADED.

R3. THE REGISTRAR,
COCHIN UNIVERSITY OF SCIENCE AND TECHNOLOGY,
COCHIN-22, KERALA.

(*ADDITIONAL R3 IS IMPEADED AS PER ORDER DATED 16/08/2012
IN IA 11211/2012)

BY SRI.P.M.A.KALAM, SC, COCHIN UNIVERSITY OF SCIENCE AND
TECHNOLOGY.

R1,R2 BY SRI.MILLU DANDAPANI, SC, COCHIN UNIVERSITY
BY SRI.P.M.A.KALAM, SC, COCHIN UNIVERSITY OF SCIENCE AND
TECHNOLOGY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16/02/2015, THE COURT ON 21/05/2015 DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1- A TRUE COPY OF THE SECONDARY SCHOOL LEAVING
CERTIFICATE DATED NIL.
- EXT. P2- A TRUE COPY OF THE APPLICATION FILED BY THE PETITIONER
DATED NIL.
- EXT. P3- A TRUE COPY PRINT OUT TAKEN FROM THE WEB SITE
WWW.CUSAT.AC.IN, DETAILING THE RESULT OF CAT 2012
RESULTES FOR B-TEC COURSE, DATED NIL.
- EXT. P4- A TRUE COPY OF THE OPTION LIST OF THE PETITIONER FOR
CAT-2012 DATED NIL.
- EXT. P5- A TRUE COPY OF THE NATIVITY CERTIFICATE ISSUED TO THE
PETITIONER BY THE VILLAGE OFFICER, VALLIKUNNU DATED
24/01/2012.
- EXT. P6- THE ORDER PASSED BY THE VICE CHANCELLOR ON 17/07/2012.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 14505 of 2012

Dated this the 21st day of May, 2015

J U D G M E N T

The petitioner has come up before this Court with a prayer for directing the respondents to correct the mistake in Ext.P2 application submitted by him for common admission test 2012, to admit him as a Keralite and to enlist him in the merit quota.

2. The petitioner is a resident of Vallikunnu Village in Malappuram District. He alleges that he was born and brought up at Malappuram and completed his education from educational institutions in the said district. The petitioner, while applying for entrance examination, 2012 before the respondents, marked his nativity as non Keralite in Ext.P2 application. In fact, he is a Keralite as evidenced by Ext.P4. He alleges that when he cleared the entrance test conducted by the respondents, he was categorized along with NRI students and the respondents

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are reluctant to correct the mistake happened during the e-filing of the application. According to the petitioner, he is put to much difficulties on account of treating him as an NRI candidate.

3. In the statement filed by the respondents, they have contended that the petitioner has chosen to be a non Keralite when he filled up the application and the same could have been corrected immediately after submitting the application or during a month's time when such corrections were entertained by the university. As he did not do so, the university proceeded with the processing; and as a result, the merit list was finalized. According to the respondent university, now it is too late to act upon the request of the petitioner.

4. Subsequently, the respondents have filed an additional affidavit, wherein it is stated that as the ranked list was prepared according to the details submitted by the candidates, inclusion of the petitioner in the list would change the status of the whole candidates below him in the rank. It is also stated that the petitioner has already been

admitted to B.Tech course in Information Technology under the Muslim reservation quota.

5. This Court, by interim order dated 03.07.2014, directed the respondent university to take a decision in the matter in a time frame.

6. When the matter came up for hearing on 12.06.2014, it was pointed out by the learned counsel for the petitioner that it appears from Ext.P6, which is a consequential order, that the order has been passed by the Registrar. Therefore, this Court gave a direction to the person, who was holding the office of the Vice Chancellor, to consider the application of the petitioner and to pass appropriate orders within a time frame.

7. Later, on 21.01.2015, the learned Standing Counsel for the respondent university submitted that on the basis of the interim direction of this Court on 12.06.2014, the case of the petitioner was reconsidered by the Vice Chancellor and the request has been rejected.

8. I have heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent

University.

9. The learned counsel for the petitioner submitted that the petitioner suffers two major difficulties due to the inadvertent mistake in Ext.P2 application. Firstly, it was pointed out that the petitioner would not get any seat in the merit list, which he deserves on his caliber; and he would have to study on payment of much higher fees. Secondly, it was pointed out that even if the petitioner is admitted in the payment seat as a non Keralite, he would not be able to produce any of the certificates before the respondent authorities to prove that he is a non Keralite, because, in fact, he is a Keralite. It was submitted that the petitioner's hard work would be in vain if the mistake is not corrected.

10. Admittedly, admissions to various courses under the respondent university are made on the basis of a common ranked list prepared on the basis of an all India test conducted over 81 centres in India. The respondent university has reserved all the low-fee seats for Keralites. Those, who are non Keralite, are eligible for seats with higher fees. The processing of the application submitted by

the candidates for the entrance test, 2012, was over in February 2012. One month time was permitted for the candidates to rectify the mistakes as per the rules. The petitioner has chosen to be a non Keralite while filling up the application. According to the petitioner, it was an inadvertent mistake. However, it could have been corrected immediately after submitting the application or during a month's time when such corrections were entertained by the university. But, he did not do so. Now, the results have been published. The ranked lists in different categories were also published. The candidates, who have not secured a sure seat till the filing of the writ petition, were wait listed and everyone of them was sure of their position in the various options that has been given.

11. In the statement filed by the respondent university, they have pointed out that there were about 6000 students below the petitioner, who were wait-listed. They knew their position in the list. The first admission was on 28.06.2012. If the petitioner is permitted to come under the free seat regime (Keralite status), the ranked list will

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have to be reshuffled and republished, which is not permissible under law; and it would adversely affect the other candidates. The negligent and casual approach of the petitioner while filling up the on-line application continued though ample time was given for correction. His approach has created many hardships to the university during the process of admission. As the ranked lists are prepared by the university according to the details submitted by the candidates, any subsequent change would affect the status of the whole candidates below him in rank. Therefore, this Court is not inclined to interfere with the inclusion of the candidate under the NRI quota at this point of time.

In the result, the writ petition fails; and accordingly, it is dismissed.

Sd/-
A.V. RAMAKRISHNA PILLAI,
JUDGE

bka/-