

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN**

**TUESDAY, THE 30TH DAY OF JUNE 2015/9TH ASHADHA, 1937**

**WP(C).No.13444 of 2015 (E)**  
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**PETITIONER:**  
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**AVINAS P.N,S/O.PADMANABHAN.T.P,  
AGED 19 YEARS,RESIDING AT 'THANAL',  
THIRUVANGOOR P.O,KOZHIKODE DISTRICT.**

**BY ADV.SRI.V.N.RAMESAN NAMBISAN**

**RESPONDENT'S:**  
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- 1. THE COMMISSIONER FOR ENTRANCE EXAMINATIONS  
FOR ADMISSION TO PROFESSIONAL COURSES 2015,  
HOUSING BOARD BUILDING,SANTHINAGAR,  
THIRUVANANTHAPURAM,PIN-695001.**
- 2. THE VILLAGE OFFICER,CHEMANCHERY,  
KOZHIKODE DISTRICT,PIN-673 318.**

**BY SENIOR GOVT. PLEADER SRI.BIJU MEENATTOOR.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 30-06-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**pk**

**APPENDIX**

**PETITIONER'S EXHIBITS:**  
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**EXHIBIT P1:TRUE COPY OF THE RELEVANT PAGE OF THE PETITIONERS  
SECONDARY SCHOOL LEAVING CERTIFICATE NO.M 429956  
DATED 26.4.2012.**

**EXHIBIT P2:TRUE COPY OF PETITIONERS +2 CERTIFICATE NO.HSC2/2014/292947  
DATED 13.5.2014.**

**EXHIBIT P3:TRUE COPY OF THE FRONT PAGES OF THE SSLC CERTIFICATES OF  
THE PETITIONER'S FATHER POADMANABHAN T.P.**

**EXHIBIT P4:TRUE COPY OF THE FRONT PAGE OF THE S.S.L.C  
CERTIFICATES OF THE PETITIONERS MOTHER NEETHA KM.**

**EXHIBIT P5:TRUE COPY OF THE RELEVANT PAGES OF THE PROSPECTUS FOR  
ADMISSION TO PROFESSIONAL COURSES 2015 ISSUED BY THE 1ST  
RESPONDENT.**

**EXHIBIT P6:TRUE COPY OF THE PROFORMA APPLICATION SUBMITTED BY THE  
PETITIONER, DATED 21.1.2015.**

**EXHIBIT P7:TRUE COPY OF THE INTER CASTE MARRIAGE CRTIFICATE OF THE  
PARENTS OF THE PETITIONER DATED 28.1.2015 ISSUED BY THE  
VILLAGE OFFICER, CHEMENCHERY.**

**EXHIBITP8:TRUE COPY OF THE REJECTION ORDER NO.263/15/V.O  
DATED 28.4.2015 ISSUED BY THE 2ND PETITIONER.**

**EXHIBIT P9:TRUE COPY OF PRESS RELEASE NO.CEE/4383/2014/KEAM-2015/TAI  
DATED 23.1.2015 ISSUED BY THE 1ST RESPONDENT.**

**RESPONDENT'S EXHIBITS:**  
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**NIL**

**//TRUE COPY//**

**P.S. TO JUDGE**

**K. VINOD CHANDRAN, J.**

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**W.P(C). No.13444 of 2015**  
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**Dated this the 30<sup>th</sup> day of June, 2015.**

**JUDGMENT**

The petitioner is aggrieved with the fact that the petitioner was not issued with the 'Non-creamy Layer' Certificate as is evident at Ext.P8. The petitioner's cause of action is in so far as the admission to professional degree courses conducted by the Commissioner of Entrance Examination for the year 2015. The petitioner admittedly applied as a general candidate, which is evident from Ext.P6 application. The petitioner now turns around and claims intercaste marriage status, which he had specifically indicated as 'No' in the column for the same at Ext.P6. The petitioner's contention is that the petitioner had obtained Intercaste Marriage Certificate prior to the last date of application and the mistake committed by him in Ext.P6 shall not be put against him, especially since he is a student. The petitioner also

challenges Ext.P8 in so far as the Village Officer having declined to issue a Non-Creamy Layer Certificate for reason that the petitioner's Religion is shown as 'non-religion' in all the Certificates.

2. The learned Government Pleader submits that the Non-Creamy Layer Certificate is not essential for applying under Clause (g). The said contention is not correct, since by a subsequent notification in GO(MS) No.4/2015/H.Edn. dated 05.01.2015, it was insisted that there should be a Non-Creamy Layer Certificate for SEBC candidates. However in the present case, it is to be noticed that the petitioner had consistently gone by his father's declaration and has not indicated any specific caste in his SSLC Certificate or his Higher Secondary School Certificate, which is evident as per Exts.P1 and P2. The specific indication is that he does not belong to any Religion at all.

3. As far his father, Ext.P3 indicates that the father professes Hindu Religion, but has not indicated any caste. It is on the basis of the mother's caste status, that the petitioner claims SEBC reservation. The cause of action for the present writ

petition is the Entrance Examination of 2015, in which the petitioner did not apply as a SEBC candidate. There cannot be any relief granted to the petitioner in so far as consideration in that examination as a SEBC candidate. The Intercaste Marriage Certificate was submitted subsequently and there is no provision by which a Certificate could be submitted, later to the application, that too against the specific declaration made in the application. In such circumstances, no reliance can be placed on Ext.P7 to direct consideration of the petitioner's case in the year 2015.

4. A reading of Ext.P8 would indicate that the petitioner had specifically produced the Certificates of the SSLC and Higher Secondary School to substantiate his contention, in which the petitioner's Religion was indicated as 'Non-Religion'. It is not clear as to whether the petitioner had submitted the Mother's Certificate before the Village Officer. In any event, a proper consideration is not evident from Ext.P8.

In such circumstances, Ext.P8 is set aside and the Village Officer would consider the case of the petitioner afresh, but however no claim can be made on the caste status for the

Entrance Examination of the year 2015-2016. It is made clear that this Court has not observed anything on the caste-status of the petitioner.

The writ petition is partly allowed.

Sd/-  
**K. VINOD CHANDRAN,**  
**JUDGE**

sp