

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 15TH DAY OF JUNE 2015/25TH JYAISHTA, 1937

WP(C).No. 13751 of 2015 (T)

PETITIONER(S) :

RAKHI K. DEVESH (MINOR) ,
REP. BY HER FATHER AND GUARDIAN DEVESH NARAYANAN K.N. ,
KAVIKKAL HOUSE, BHOODANAM COLONY, ANAPPARA,
PULPALLY, SULTHANBATHERY, WAYANAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN.

RESPONDENT(S) :

1. STATE OF KERALA,
REP. BY SECRETARY TO GOVERNMENT,
SC/ST DEVELOPMENT DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE COMMISSIONER FOR ENTRANCE EXAMINATION,
FIFTH FLOOR, HOUSING BOARD BUILDING, SHANTHI NAGAR,
THIRUVANANTHAPURAM-695 001.
3. THE TAHASILDAR,
SULTHAN BATHERY, WAYANAD DISTRICT, PIN-673 592.

BY GOVERNMENT PLEADER SRI.ROSHAN D. ALEXANDER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 15-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS

- EXT P1 : A TRUE COPY OF THE RELEVANT PAGES OF THE PROSPECTUS.
- EXT P2 : A TRUE COPY OF THE GOVERNMENT ORDER DATED NOVEMBER 24, 2006.
- EXT P3 : A TRUE COPY OF THE COMMUNITY CERTIFICATE DATED JANUARY 23, 2015 ISSUED BY THE VILLAGE OFFICER, PULPALLY.
- EXT P4 : A TRUE COPY OF THE LETTER DATED APRIL 7, 2015 OF THE THIRD RESPONDENT.
- EXT P5 : A TRUE COPY OF THE COMPLAINT DATED APRIL 8, 2015 SUBMITTED BY THE PETITIONER BEFORE THE SECOND RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

- EXT R2 (A) : A TRUE COPY OF THE GO (P) NO.1/2015/BCDD DATED 01/01/2015.
- EXT R2 (B) : A TRUE COPY OF THE GO (MS) NO.4/2015/H.EDN. DATED 05/01/2015.
- EXT R2 (C) : A TRUE COPY OF THE JUDGMENT DATED 12/08/2014 IN WA NO.839/2014 ARISING FROM WP (C) NO.14577/2014.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. VINOD CHANDRAN, J.

W.P(C). No.13751 of 2015

Dated this the 15th day of June, 2015.

JUDGMENT

The petitioner claims to have applied for reservation as per the prospectus of the KEAM, 2015. The petitioner's claim for reservation is on the basis of her belonging to the community of 'Edanadan Chetty', which, the petitioner contends, has been included under the State list of Other Backward Community (OBC) by Ext.P2 dated 24.11.2006. The petitioner contends that she had applied for reservation as a Socially and Educationally Backward Community (for brevity, SEBC) and she is entitled to the same, which has been declined by the respondents.

2. The Commissioner for Entrance Examination, the 2nd respondent, has filed a detailed Counter Affidavit. At the outset it is pointed out that the SEBC list for admission to professional courses and the OBC list for reservation to Government

employment, are two different lists prepared by the Government. In fact, the prospectus itself by Annexure XI had the list of SEBCs, which did not contain the Community to which the petitioner claims her belonging. It is also submitted that, an SEBC candidate has to produce Non-Creamy Layer Certificate, which admittedly the petitioner has not produced at the time of application. The learned Senior Government Pleader also relies on the judgment of the Division Bench of this Court produced at Ext.R1(c).

3. A reading of Annexure XI in the prospectus of KEAM, 2015 would indicate that 'Edanadan Chetty' is not a Community included in the list of SEBCs. In such circumstances, the petitioner could not have applied under the reservation category, since the prospectus did not include the same as an SEBC. The fact that the petitioner applied as a member entitled to reservation of OBC does not at all prevent the respondents from treating her for admission to the professional courses as a person from a Community, which is not entitled to reservation as a SEBC.

4. Further, as pointed out by the learned Government Pleader, Ext.P2 is a notification issued by the Government as early as in 2006 to ensure that the Community has adequate representation in Government Services. This does not at all entitle the Community members to seek admission to professional courses as a SEBC member, for reason of the Community not being included in such list. The list of SEBC eligible for reservation as distinguished from the OBC entitled to reservation in Government Services; has also been appended to the prospectus for the entrance examination.

5. As to the decision at Ext.R2(C), a claim was raised by members of the Chetty Community on the ground that by a misnomer their community has been included in the SEBC list as 'Jhetty'. The decision produced at Ext.R2(c) affirmed the decision of the learned Single Judge, which refused to accept the contention of the petitioners therein and found on the basis of authenticated documents that the Community included as 'Jhetty' was a distinct separate community from 'Chetties'. Further, on the question of reservation given to the OBC and SEBC also, the

finding was that the SEBC Communities included under the list for reservation to professional courses, is distinct from the Communities included as OBC for the purpose of Government employment.

For all the above reasons, the writ petition is found to be devoid of any merit and the same is dismissed.

Sd/-
K. VINOD CHANDRAN,
JUDGE

sp