

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 18625 of 2010 (C)

PETITIONER :

**SAHAD,AGED 19 YEARS,S/O.MUHAMMED SALIM,
FARITHEA, ELAMPALLOOR, KUNDARA,KOLLAM.**

**BY ADVS.SRI.C.RAJENDRAN
SMT.R.S.SREEVIDYA**

RESPONDENT(S):

- 1. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT, EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE UNIVERSITY OF KERALA, REPRESENTED BY
ITS REGISTRAR, THIRUVANANTHAPURAM.**
- 3. U.K.F. COLLEGE OF ENGINEERING AND TECHNOLOGY,
REPRESENTED BY ITS PRINCIPAL, MEENAMBALAM,
PUTHENKULAM.P.O, PARIPPALLY, KOLLAM.**

**R1 BY GOVERNMENT PLEADER SRI.V.K.RAFEEQ
R2 BY ADV. SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA
R3 BY ADV. SRI.P.RAMAKRISHNAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).NO.18625/2010

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE HIGHER SECONDARY EXAMINATION (CLASS XII) CERTIFICATE**
- P2 COPY OF THE RECEIPT DATED 28/10/09**
- P3 COPY OF THE RECEIPT DATED 27/10/2009**
- P4 COPY OF THE RECEIPT DATED 28/10/2009**
- P5 COPY OF THE RECEIPT DATED 28/10/2009**
- P6 COPY OF THE REQUEST MADE BY THE SPONSOR OF THE PETITIONER
DATED 26/05/2010**
- P7 COPY OF THE LETTER ISSUED BY THE 3RD RESPONDENT DATED 01/06/2010**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.A.TO.JUDGE

sts

K.VINOD CHANDRAN, J.
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W.P(C) No.18625 of 2010
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Dated this the 16th day of January, 2015

JUDGMENT

Petitioner filed the above writ petition for return of the certificates of the petitioner entrusted with the 3rd respondent college, since the petitioner discontinued his course. By interim order dated 05.08.2010 this Court observed that it would be appropriate that the 3rd respondent takes a lenient view in the matter. In fact, the return of the certificates was sought for, so as to enable the petitioner to get himself admitted and continue some other course which would not entail financial burden, as much as a professional course.

2. The 3rd respondent college, has filed an affidavit raising a contention that the petitioner had admitted himself to the B Tech course under the NRI quota in the year 2009-2010. The 3rd respondent college would contend that, professional degree courses are governed by a prospectus

issued by the State Government, wherein liquidated damages are to be paid; if a student after admission, discontinues the studies. It is also contended in the statement that with respect to self-financing colleges, including the 3rd respondent, they have entered into an agreement with the Government in relation to seat sharing and if any student discontinues the studies, the student would be obliged to pay the entire fees for the course.

3. What assumes significance is that the petitioner was admitted under the management quota. That would not be covered by Clause 12.2.4(a)(1), of the prospectus, extracted in the statement of the 3rd respondent; since it deals with only Government Engineering Colleges and the said provision for liquidated damages is applicable only to a candidate “admitted against Government seats in Government/Aided/Self-financing colleges.”

4. Paragraph 4 referring to Clause 10 is one applicable to students appearing “under the management or Government quota.” Obviously the said Clause has been

introduced on the basis of an agreement between the Government and the self-financing colleges. That would regulate only those persons admitted under the Government quota. Undisputedly the management seats, are the exclusive premise of the self financing colleges, in which, they could take in any student, who satisfies the minimum eligibility conditions as required by the University. Unless there is an agreement with the student or there is a prospectus of the college, with respect to management quota students, the above condition cannot be imported, to regulate the admissions made to management seats. In such circumstance the writ petition will have to be allowed. I do so. The certificates of the petitioner entrusted with the 3rd respondent college along with the Transfer Certificate will be issued, within one month of production of certified copy of this judgment.

Writ petition allowed.

Sd/-
K.VINOD CHANDRAN, JUDGE