

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 16075 of 2014 (H)

PETITIONER(S) :

LIJUMON C.M. ,
S/O.MANIKANDAN, CHIRAMELPARAMBIL HOUSE,
CHILAVANNUR,
KADAVANTHRA P.O., ERNAKULAM, KOCHI.

BY ADVS.SRI.P.K.VARGHESE,
SRI.E.C.BINEESH &
SRI.T.M.SUDHEER.

RESPONDENT(S) :

K.R.NARAYANAN NATIONAL INSTITUTE OF VISUAL SCIENCE & ARTS,
REPRESENTED BY ITS SECRETARY, S
REEPADAM, HOUSE NO.107,
KRISHNA NAGAR, PEROORKADA,
THIRUVANANTHAPURAM-695 005.

BY GOVERNMENT PLEADER SRI.NOUSHAD THOTTATHIL.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXT.P1. TRUE COPY OF THE DISABILITY CERTIFICATE ISSUED BY THE DISTRICT MEDICAL BOARD, ERNAKULAM.

EXT.P2. TRUE COPY OF THE NOTIFICATION.

EXT.P3. TRUE COPY OF THE RELEVANT PAGES OF THE PROSPECTUS FOR 2014.

EXT.P4. TRUE COPY OF THE RELEVANT PAGES OF THE PROSPECTUS FOR ADMISSION TO THE PROFESSIONAL DEGREE COURSES 2014, PUBLISHED BY THE COMMISSIONER FOR ENTRANCE EXAMINATION.

EXT.P5. TRUE COPY OF THE ADMISSION TICKET (COUNTER FOIL)

EXT.P6. TRUE COPY OF THE GOVERNMENT ORDER DATED 26/2/2013.

EXT.P7. TRUE COPY OF THE RELEVANT PAGES OF RESULT PUBLISHED BY THE 1ST RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 16075 of 2014

Dated this the 20th day of March, 2015

J U D G M E N T

The petitioner has approached this Court seeking the following reliefs;

“a) Issue a writ of mandamus, or any other writ, direction or order directing the respondent to include petitioner's name in Exhibit P7 short list for admission to three year Diploma courses in the respondent's institute;

b) Issue a writ of mandamus, or any other writ, direction or order directing the respondent to participate the petitioner in three days orientation programme-cum-interview which will be held on 26th, 27th and 28th of June 2014 for admission to three years Diploma course, 2014 in K.R. Narayanan National Institute of Visual Science and Arts, Thekkumthala, Kottayam;

c) Issue a writ of mandamus, or any other writ, direction or order directing the respondent to admit the petitioner to three year Diploma Course for the year 2014 in K.R. Narayanan National Institute of Visual Science and Arts, Thekkumthala, Kottayam District, based on.

AND

iii) issue such other reliefs as this Honourable Court may deem fit and proper in the circumstances of this case.”

2. The petitioner, who is a physically handicapped

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person, alleges that he is eligible for reservation under 3% quota reserved for physically handicapped as per Exts.P2 and P3. He submitted an application in the prescribed quota reserved for the physically handicapped persons before the respondent, who is conducting three year diploma course in six disciplines in professional film/audio visual training and research. The respondent accepted the application and permitted the petitioner to attend the entrance examination. The petitioner alleges that though, as per Ext.P6, he was eligible for compensatory time in the written examination, he was denied the same; and he had to attend the examination along with other general candidates. The petitioner's grievance is that as his name is not included in the shortlist, he would not be eligible to appear in the orientation program, which was scheduled to be held in June 2014. Since there is no minimum/cut off mark is prescribed to qualify the preliminary examination and since there is no other physically handicapped person is shortlisted, he is eligible for admission to the course; it is

alleged.

3. This Court, by interim order dated 25.06.2014, directed the respondent to permit the petitioner to participate in the three days orientation programme-cum-interview scheduled to be held on 26th, 27th and 28th of June 2014 for admission to three year diploma course, 2014 in K.R.Narayanan National Institute of Visual Science and Arts, Thekkumthala, Kottayam pending final disposal of the writ petition.

4. Later, by interim order dated 12.09.2014, this Court ordered the respondent to keep one seat vacant in Script Writing and Direction in the respondent institute for a period of ten days. This was in view of the interim order already passed on 25.06.2014.

5. Today, when the matter came up for hearing, the learned Senior Government Pleader, on instructions, submitted that accordingly, the petitioner participated in the recommendation programme; and however, he failed to qualify in the selection process.

6. The learned counsel for the petitioner

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strenuously argued that the selection process was not conducted in the proper manner.

7. The learned counsel for the petitioner went to the extent of attributing malafides against the authorities, who conducted the examination. If the petitioner is aggrieved by the manner, in which the selection process was conducted, it is open to the petitioner to challenge the same in appropriate proceedings. As the petitioner was permitted to participate in the programme and he has failed to qualify in the selection process, this Court is of the view that the present writ petition is only to be dismissed.

Accordingly, the writ petition is dismissed.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-