

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No. 19103 of 2015 (K)

PETITIONER :

**EFRATHE M.K., AGED 19 YEARS,
D/O. ISMAYIL, 'KIRFAJU VILLA', PAISAL,
PERUVALATHUPARAMBA P.O, IRIKKOOR- 670 593**

**BY ADVS.SRI.M.SASINDRAN
SRI.S.SHYAM KUMAR**

RESPONDENT(S):

- 1. THE CO-OPERATIVE ACADEMY OF PROFESSIONAL
EDUCATIONAL (KERALA) (CAPE)
FIRST FLOOR, CO-OPERATIVE BANK TOWER, VIKAS BHAVAN,
THIRUVANANTHAPURAM-695 033,
REPRESENTED BY ITS DIRECTOR.**
- 2. THE PRINCIPAL,
COLLEGE OF ENGINEERING THALASSERY,
P.O.ERANHOLI -670 107, KANNUR DISTRICT.**
- 3. COCHIN UNIVERSITY FOR SCIENCE AND TECHNOLOGY,
THRIKKAKARA, SOUTH KALAMASSERY, COCHIN UNIVERSITY P.O.,
KOCHI -682 022, REPRESENTED BY ITS REGISTRAR.**

R3 BY SRI.MILLU DANDAPANI

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

.....

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 19103 of 2015

Dated this the 29th day of June, 2015.

JUDGMENT

The petitioner is seeking a direction to the second respondent to consider and pass appropriate orders on Ext.P2 representation in the light of Ext.P3 judgment.

2. The petitioner participated in the Entrance Examination conducted by the Government of Kerala during the academic year 2014-2015 and accordingly the petitioner was issued with an allotment memo towards the College of Engineering, Thalassery in the Computer Science and Engineering Branch. The petitioner alleges that she now completed the first year course for B.Tech, which comprises of the syllabus common to all the B.Tech courses including Civil Engineering Branch. The petitioner after being exposed to the comprehensive world of Engineering and being curious in the Civil Engineering Branch, became interested to study the Civil Engineering course being offered in the institution where the

petitioner is studying. The petitioner further alleges that four seats are vacant in the College of Engineering, Tellicherry in Civil Engineering as against the total seats of 63, only 59 were filled. As there are 4 seats vacant in the Civil Engineering branch and the petitioner completed the first year of the B.Tech Course wherein the Syllabus for all the branches of the Engineering Course are one and the same, the petitioner on the reasoning that her shifting to Civil Engineering course would not infringe any other student's interests or rights, filed Ext.P2 representation before the second respondent seeking permission to shift the Computer Science and Engineering branch to the Civil Engineering Branch where there are four vacancies. The delay and inertness on the part of the respondents in considering and passing appropriate orders on Ext. P2 representation and accordingly permit the petitioner to shift the branch from Computer Science and Engineering to Civil Engineering, is absolutely arbitrary and illegal; it is alleged.

3. I have heard the learned counsel for the petitioner and the learned Government Pleader in the matter.

4. As the learned counsel for the petitioner confined his argument to the limited prayer for a direction to the second respondent to consider Ext.P2 application within a time frame, this Court is of the view that the writ petition can be disposed of even without issuing notice to other respondents.

In the result, the writ petition is disposed of directing the second respondent to consider Ext.P2 representation in the light of Ext.P3 judgment, after affording the petitioner an opportunity of being heard, within a period of two weeks from the date of receipt of a copy of this judgment. To facilitate an early action, it shall be open to the petitioner to produce a copy of the writ petition as well as the copy of this judgment before the respondent at the earliest.

A.V. RAMAKRISHNA PILLAI
JUDGE

Scl.