

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 22ND DAY OF JULY 2015/31ST ASHADHA, 1937

WP(C).No. 21995 of 2015 (Y)

PETITIONER:

**ABHIRAMI.V,AGED 17 YEARS,D/O.VINOD KUMAR. B.,
MAYA MANDIRAM,CONVENT ROAD,THOTTAKKATTUKARA,
ALUVA (MINOR) REPRESENTED BY MOTHER AND NATURAL GUARDIAN
ADVOCATE AJI S.MENON,AGED 42 YEARS,W/O.VINOD KUMAR B.,
MAYA MANDIRAM,CONVENT ROAD,THOTTAKKATTUKARA,
ALUVA,ENRNAKULAM DISTRICT.**

BY ADV. SRI.K.S.RAJEEV (ALUVA)

RESPONDENTS:

- 1. COMMISSIONER FOR ENTRANCE EXAMINATION,
FIFTH FLOOR,HOUSING BOARD BUILDING,
SANTHI NAGAR,THIRUVANANTHAPURAM-695001.**
- 2. SECRETARY,EDUCATION DEPARTMENT,
GOVT. SECRETARIAT,THIRUVANANTHAPURAM-695001.**
- 3. PRINCIPAL,FISAT (FEDERAL INSTITUTE OF SCIENCE AND TECHNOLOGY)
ENGINEERING COLLEGE,HORMIS NAGAR,MOOKKANNOOR P.O.,
ANGAMALY,PIN-683577.**
- 4. CHAIRMAN,GOVERNING BODY OF COLLEGE,
FISAT (FEDERAL INSTITUTE OF SCIENCE AND TECHNOLOGY)
ENGINEERING COLLEGE,HORMIS NAGAR,MOOKKANNOOR P.O.,
ANGAMALY,PIN-683577.**

R1 & R2 BY GOVT. PLEADER SRI.ROSHAN D. ALEXADER.

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pto

WP(C).No.21995 of 2015 (Y)

APPENDIX

PETITIONER'S EXHIBITS

EXHIBIT P1- TRUE COPY OF +2 MARK LIST.

**EXHIBIT P2- TRUE COPY OF 1ST ALLOTMENT AND FURTHER REJECTION FROM
THE PROGRAMME DOWNLOADED FROM COMPUTER.**

EXHIBIT P3- TRUE COPY OF JUDGMENT IN WRIT PETITION NO.20319/15.

RESPONDENT'S EXHIBITS:

NIL

//TRUECOPY//

P.S. TO JUDGE

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K. VINOD CHANDRAN, J.

W.P.(C) No. 21995 of 2015 (Y)

Dated this the 22nd day of July, 2015

J U D G M E N T

The petitioner invokes the specific reservation made in Ext.P3 judgment, wherein the petitioner was declared to be entitled to seek for spot allotment, when scheduled in the various colleges. The petitioner in the above writ petition specifically seeks allotment to the college of the 3rd respondent, in which there is said to be a seat vacant in the Civil Branch, which seat also is one allotted to the Government.

2. The learned Special Government Pleader explains the spot allotment process with reference to the Prospectus of Kerala Engineering Agriculture Medical Entrance Examination (KEAM 2015). Clause 11.6.9 deals with spot allotment where the vacant seats, after the allotment process, are filled up by that method. A candidate admitted in a Government merit seat in a Government Controlled Self

Financing College is allowed to participate in the spot admission for a Government College. As for the spot allotment with respect to others, the seats in the Government College would be filled up in the priority of the rank; however, on the student appearing for spot allotment in the colleges. With respect to Self Financing Colleges as also Government Controlled Self Financing Colleges, when the 3rd allotment is over and there are any vacancies in the Government Seats allotted to the Government by the Self Financing Colleges, then, the same would revert to the Self Financing Colleges to be filled up as management quota seats. This is so by virtue of the agreement entered into by the Government with the Self Financing Colleges, which is saved under Clause 2.1.1(b). The students who appeared for the examinations are also deemed to have accepted such conditions in any agreement entered into by the Government.

3. In such circumstance, though the petitioner would be entitled to seek for spot allotment in the 3rd respondent College, merely for the reason that it is a vacant seat in the Government merit, it cannot be filled up as a Government seat. It would depend upon the discretion of the 3rd respondent to revert it to a Management Seat. Hence, a spot allotment, if sought for by the petitioner, the same would have to be as per the decision of the 3rd respondent, after the allotments are made and if any vacant seats are there. The reservation in Ext.P3 judgment can only be understood as one which could be availed of as permissible under the Prospectus.

4. In such circumstance, the petitioner cannot have a claim to be accommodated in the vacant seat as a Government Merit Candidate in the 3rd respondent College.

The writ petition would stand dismissed.

Sd/-
K.VINOD CHANDRAN,
JUDGE