

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON
&
THE HONOURABLE MR. JUSTICE BABU MATHEW P.JOSEPH

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

WP(C).No.26804 of 2009 (U)

PETITIONER:

PRASEETHA T.V.
D/O.KUNCHIRAMAN, PRAVITHA NIVAS, THAIKKADAPPURAM PO
NEELESWARAM, VIA, KASARAGODE DISTRICT
KERALA 671 311.

BY ADV. SRI.C.R.SIVAKUMAR

RESPONDENT:

1. THE STATE OF KERALA REP BY
THE PRINCIPAL SECRETARY
DEPARTMENT OF HIGHER EDUCATION N(G), SECRETARIAT
THIRUVANANTHAPURAM.
2. THE COMMISSIONER OF ENTRANCE EXAMINATION
OFFICE OF THE COMMISSIONER OF ENTRANCE EXAMINATION
THIRUVANANTHAPURAM 695 001.
3. THE DIRECTOR OF TECHNICAL EDUCATION
DIRECTORATE OF TECHNICAL EDUCATION
THIRUVANANTHAPURAM.
4. JUSTICE P.A. MUHAMMED COMMITTEE
OLD HIGH COURT BUILDING, COCHIN, REP BY ITS MANAGER.
5. ALL INDIA COUNCIL FOR TECHNICAL
EDUCATION (AICTE) 7TH FLOOR, CHANDERLOK BUILDING
JANPATH, NEW DELHI, REP BY ITS MANAGER.
6. THE PRINCIPAL
P.A.AZIZ COLLEGE OF ENGINEERING & TECHNOLOGY
(PAACET) KARAKULAM, TRIVANDRUM, KERALA 695566.

7. THE KERALA SELF FINANCING ENGINEERING
COLLEGE MANAGEMENT ASSOCIATION REP BY ITS
GENERAL SECRETARY KMEA ENGINEERING COLLEGE CAMPUS
KUZHIVELIPADY, EDATHALA, ERNAKULAM 683 561.

R7 BY ADV. SRI.KURIAN GEORGE KANNANTHANAM (SR.)
R7 BY ADV. SRI.TONY GEORGE KANNANTHANAM
R5 BY ADV. SRI.MILLU DANDAPANI
R6 BY ADV. SRI.R.KRISHNA RAJ
R5 BY ADV. SRI.S.KRISHNAMURTHY,SC, AICTE
R1 BY SR. GOVERNMENT PLEADER SRI.E.M.ABDUL KHADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
15-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXT'S

EXT.P1:- THE TRUE COPY OF THE RELEVANT PAGES OF PROSPECTUS FOR ADMISSION TO PROFESSIONAL DEGREE COURSE-2009.

EXT.P2:- THE TRUE COPY OF THE RESULTS OF THE PETITIONER IN THE ENGINEERING EXAMINATION CONDUCTED BY THE 2ND RESPONDENT.

EXT.P3:- THE TRUE COPY OF THE INTIMATION DATED 14/9/09.

EXT.P4:- THE TRUE COPY OF THE G.O.(MS) NO.85/09 H. EDN DATED 6/7/09.

EXT.P5:- THE TRUE COPY OF THE NOTIFICATION ISSUED BY THE 2ND RESPONDENT DATED 25/7/09.

EXT.P6:- THE TRUE COPY OF THE GUIDELINE ISSUED BY THE 5TH RESPONDENT.

EXT.P7:- THE TRUE COPY OF THE PAPER PUBLICATION DATED 9/9/09 PUBLISHED IN MALAYALA MANORAMA.

EXT.P8:- THE TRUE COPY OF THE NEWS ITEM PUBLISHED IN MALAYALA MANORAMA DATED 8/9/09.

EXT.P9:- THE TRUE COPY OF THE NEWS ITEM PUBLISHED IN MALAYALA MANORAMA DATED 01/09/09.

EXT.P10:- THE TRUE COPY OF THE NEWS ITEM PUBLISHED IN MALAYALA MANORAMA DATED 29/8/09.

EXT.P11:- THE TRUE COPY OF THE NEWS ITEM PUBLISHED IN MATHRUBHUMI DAILY DATED 9/7/09.

EXT.P12:- THE TRUE COPY OF THE AGREEMENT DATED 3/7/09.

**P. R. RAMACHANDRA MENON
&
BABU MATHEW P. JOSEPH, JJ.**

W.P.(C) No.26804 of 2009

Dated this the 15th day of June, 2015

JUDGMENT

P. R. Ramachandra Menon, J.

The petitioner has approached this Court with the following prayers:-

- “I. To issue a writ of certiorari or any other appropriate writ, order or direction directing the 1st respondent to call for the records leading to Exhibit-P12 agreement and declare that, the same is unconstitutional and against the dictum laid down in Inamdar's case (2005) 6 SCC 537.
- II. To issue a writ of mandamus or any other appropriate writ, order or direction directing the 1st and 2nd respondents to extend further allotments to the 'government seats' till 31/10/09 i.e., the expiry of rank list according to the 2nd respondent.
- III. To issue a writ of mandamus or any other appropriate writ, order or direction directing the 1 to 5 respondents to take appropriate steps including cancellation of affiliation against the institutions coming under 6th and 7th respondents, if they are not followed the law laid down in Inamdar's case by the Apex court.
- IV. To issue a writ of mandamus or any other appropriate writ, order or direction directing the 6th and 7th respondents (including newly sanctioned colleges) to place the appropriate rank

number from entrance (KEAM-2009) of the admitted students, before the 4th respondent, for scrutiny and verification.

- V. To issue a writ of mandamus or appropriate writ order or direction directing to the newly sanctioned Engineering colleges, to fill up the 50% merit seats from the rank list published by the 2nd respondent, on the basis of Exhibit-P1 entrance examination (KEM-2009).
- VI. To issue a writ of mandamus or appropriate writ order or direction directing to 1st and 2nd respondent to place the petitioner's name and rank number for the vacant 'government seats' in any of the newly sanctioned colleges or in the college of 6th and 7th respondent.
- VII. To issue such other appropriate writs, order or directions which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case so as to secure the ends of justice.
- VIII. Issue a writ of certiorari or any other appropriate writ order or direction directing the 1st respondent to call for the records leading to Exhibit-P4 and quash to the extent of 2nd Paragraph of Clause 3 of Exhibit-P4.
- IX. To issue a writ of mandamus or any other appropriate writ order or direction directing the 6th and 7th respondent to cancel the admission of those candidates who were already admitted from outside the rank list published by the 2nd respondent based on the Common Entrance test conducted as per KEAM-2009 in the present academic year.”

The learned counsel appearing for the seventh respondent

submits that the matter has virtually become infructuous insofar as the challenge raised by the petitioner was in respect of the agreement executed between the Government and the Self Financing Institution for the particular academic year. No further issue remains to be considered in this writ petition as on date, submits the learned counsel. There is no representation for the petitioner today. It is presumed that the petitioner has lost interest in cause of action. Writ petition is dismissed in the above circumstances.

Sd/-

P. R. RAMACHANDRA MENON
JUDGE

Sd/-

BABU MATHEW P. JOSEPH
JUDGE

kns/-

//TRUE COPY//

P.A. TO JUDGE

