

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 20TH DAY OF AUGUST 2015/29TH SRAVANA, 1937

WP(C).No. 24139 of 2015 (N)

PETITIONER(S):

**RINSHA M.,
D/O.ABBAS M, MUTHUPALAKKAL HOUSE, CHANDAKUNNU P.O
NILAMBUR, MALAPPURAM DISTRICT 679 342.**

**BY ADVS.SRI.HUSSAIN KOYA VALIYAVEEDAKATH
SRI.K.ANAND
SRI.K.V.RAJENDRAN (WANDOOD)**

RESPONDENT(S):

- 1. STATE OF KERALA,
DEPARTMENT OF EDUCATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695 004, REPRESENTED BY ITS SECRETARY.**
- 2. COMMISSIONER FOR ENTRANCE EXAMINATIONS,
HOUSING BOARD BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM.695001.**
- 3. AKSHAYA CENTRE,
CHANTHAKKUNNU P.O, NILAMBUR,
MALAPPURAM DISTRICT 679342
REP.BY ITS STAFF-IN-CHARGE.**

*** ADDL.R4 IMPEADED**

- 4. GOVERNMENT MEDICAL COLLEGE,
MANJERI, MALAPPURAM DISTRICT,
REPRESENTED BY ITS PRINCIPAL.**

ADDL.R4 IMPEADED AS PER ORDER DATED 20/8/2015 IN IA.12314/15

BY GOVERNMENT PLEADER SRI.ROSHAN D.ALEXANDER

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 20-08-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT.P1- TRUE COPY OF THE APPLICATION BEARING NO.183839 AND
SHOWING ROLL NO.215685 SUBMITTED BY THE PETITIONER FOR
THE ENGINEERING/MEDICAL COURSE.
- EXHIBIT.P2- TRUE COPY OF THE ADMIT CARD ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT.P3- TRUE COPY OF THE CANDIDATE'S DATA SHEET ISSUED BY THE 2ND
RESPONDENT.
- EXHIBIT.P4- TRUE COPY OF THE SECOND ALLOTMENT LIST PUBLISHED BY THE
2ND RESPONDENT.
- EXHIBIT.P5- TRUE COPY OF THE REPRESENTATION LETTER DATED 29/7/2015
SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.
- EXHIBIT.P6- TRUE COPY OF THE APPLICATION SUBMITTED BY THE PETITIONER.
- EXHIBIT.P7- TRUE COPY OF THE CERTIFICATE ISSUED BY THE 3RD RESPONDENT.
- EXHIBIT.P8- TRUE COPY OF THE OPTION LIST SUBMITTED BY THE PETITIONER.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

K. VINOD CHANDRAN, J.

W.P.(C) No. 24139 of 2015 (N)

Dated this the 20th day of August, 2015

J U D G M E N T

The petitioner is aggrieved with the fact that the petitioner has not been allotted a seat in any of the Government Medical colleges in Kerala, despite she having obtained 99% marks as also rank of 895 in the KEAM 2015.

2. The learned Government Pleader appears and submits that the allotment was not purposefully declined to the petitioner, but however, she failed to confirm her options at the 2nd allotment.

3. The petitioner obviously was not allotted a seat in the 1st allotment under the Centralised Allotment Process (CAP). On the 2nd allotment, as per the prospectus of KEAM 2015, the petitioner has to make fresh options and also confirm the same when such an intimation is received from the Commissioner of Entrance Examinations. The Commissioner of Entrance Examinations is said to have

intimated the necessity for such confirmation to be done by SMS and notification in the newspapers as also the web site. The prospectus condition 11.6.4, in fact, delineates the procedure by which such confirmation has to be made.

4. The petitioner is said to have made a confirmation from the 3rd respondent. The petitioner also produces Ext.P7, which is issued by the 3rd respondent to contend that the petitioner had approached the 3rd respondent and had also, through them, made confirmation of the options. However, the fact remains that the same has not been uploaded. This can only indicate default on the part of the petitioner or the 3rd respondent, in not properly uploading the confirmation and ensuring it to be registered in the allotment process.

5. The student now said to have been allotted to the additional 4th respondent, in the 2nd allotment, under the CAP has rank of 899, under Muslim Reservation Quota (Mu).

6. Considering the merit of the petitioner, a further vacancy arising in the Muslim Reservation Quota in the additional 4th respondent college will be kept apart for the petitioner since she has admittedly better merit than the last candidate now allotted to that college, in that quota, to which she would have been entitled. If only a vacancy so arises in the Muslim Reservation Quota in the additional 4th respondent college on the 3rd allotment commencing, only then the same shall be given to the petitioner. The general merit or other reservation shall not be affected by the instant order.

Writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE