

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

THURSDAY, THE 13TH DAY OF AUGUST 2015/22ND SRAVANA, 1937

W.P.(C).No.24795 of 2015 (Y)

PETITIONER(S):-

V.P.SHAJI, AGED 52 YEARS,
TC NO.30/1700, CROSS F, CHAYAKKUDILANE, PETTAH (PO),
THIRUVANANTHAPURAM-PIN 695 024

BY ADV. SRI.R.GOPAN.

RESPONDENT(S):-

1. THE COMMISSIONER FOR ENTRANCE EXAMINATIONS,
5TH FLOOR, HOUSING BOARD BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM, PIN - 695 001
2. DIRECTOR OF TECHNICAL EDUCATION,
PADMA VILASOM ROAD, FORT,
THIRUVANANTHAPURAM, PIN - 695 001

R1 & R2 BY GOVERNMENT PLEADER SRI.ROSHAN D.ALEXANDER.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
13-08-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:-

APPENDIX

PETITIONER(S)' EXHIBITS:-

- EXHIBIT P1 PHOTOCOPY OF THE ADMIT CARD ISSUED BY THE COMMISSIONER FOR ENTRANCE EXAMINATION, THIRUVANTHAPURAM.
- EXHIBIT P2 PHOTOCOPY OF THE DATA SHEET OF THE PETITIONER'S DAUGHTER ISSUED BY THE COMMISSIONER FOR ENTRANCE EXAMINATION, THIRUVANANTHAPURAM.
- EXHIBIT P3 PHOTOCOPY OF THE OPTION LIST SUBMITTED BY THE PETITIONER'S DAUGHTER FOR ADMISSION TO THE PROFESSIONAL DEGREE COURSES 2015.
- EXHIBIT P4 PHOTOCOPY OF THE ALLOTMENT MEMO DATED 9-7-2015 ISSUED BY THE COMMISSIONER FOR ENTRANCE EXAMINATION, THIRUVANANTHAPURAM.
- EXHIBIT P5 PHOTOCOPY OF THE FINAL ALLOTMENT MEMO (CAP FIFTH PHASE) ISSUED BY THE COMMISSIONER FOR ENTRANCE EXAMINATION, THIRUVANANTHAPURAM.
- EXHIBIT P6 PHOTOCOPY OF THE NOTIFICATION FOR SPORT ADMISSION ISSUED BY THE COMMISSIONER FOR ENTRANCE EXAMINATION, THIRUVANANTHAPURAM DATED 5-08-2015.
- EXHIBIT P7 PHOTOCOPY OF THE NOTIFICATION DATED 10-08-2015 FOR SPOT ADMISSION ISSUED BY THE DIRECTOR OF TECHNICAL EDUCATION, THIRUVANANTHAPURAM.
- EXHIBIT P8 PHOTOCOPY OF THE CERTIFICATE DATED 11-08-2015 ISSUED BY THE PRINCIPAL OF THE RAJIV GANDHI INSTITUTE OF TECHNOLOGY, KOTTAYAM.
- EXHIBIT P9 PHOTOCOPY OF THE TOKEN ISSUED FOR SPOT ADMISSION FROM THE THRISSUR ENGINEERING COLLEGE.
- EXHIBIT P10 PHOTOCOPY OF THE SPOT ALLOTMENT ROUGH LIST SUBMITTED BEFORE THE SPORT ALLOTMENT AUTHORITIES AT THRISSUR ENGINEERING COLLEGE.
- EXHIBIT P11 PHOTOCOPY OF THE RELVANT PAGES OF PROSPECTUS FOR ADMISSION TO PROFESSIONAL DEGREE COURSES 2015.

RESPONDENT(S)' EXHIBITS:-

NIL.

Vku/-

[true copy]

K. Vinod Chandran, J

W.P.(C).No.24795 of 2015-Y

Dated this the 13th day of August, 2015

JUDGMENT

The petitioner is aggrieved by the fact that the petitioner's daughter Arundathi S.Shanthini, [for sake of convenience, hereinafter referred to as "Arundathi"] would not be permitted to appear for the spot allotment which has been notified by Exhibit P7, issued by the 2nd respondent.

2. Arundathi had applied for B.Tech Engineering graduate course and had appeared in the entrance examination conducted by the 1st respondent. Her only choice of course was Computer Science & Engineering and as far as the colleges, she made 18 choices, as is indicated in Exhibit P3, where her first three choices of colleges were (i) College of Engineering, Thiruvananthapuram, (ii) Government Engineering College, Thrissur and (iii) Government Rajiv Gandhi Institute of Technology, Kottayam. Arundathi got allotted the only course to which she opted; but her admission was to the college of her

third choice, on the Second Phase of allotment. She is said to have obtained rank of 2879 in the common entrance examination.

3. When the notification at Exhibit P7 was issued, she enquired about the vacant seats and found that there are some seats for the same course in the colleges at Thiruvananthampuram and Thrissur, which were her 1st and 2nd options. Arundathi also gave an option list as per Exhibit P10. She is aggrieved by the fact that she being not permitted to appear for the spot allotment for the said two colleges by Clause 11.6.9 of the Prospectus. The petitioner contends that this would result in an illegality insofar as a person who is far lower in rank would be admitted to the said colleges.

4. Clause 11.6.9 reads as under:

"Spot Allotment: Spot allotment/admission for filling up the remaining vacant seats, if any, may be conducted after the completion of the online allotment process. A qualified candidate included in the rank lists concerned is entitled to attend the Spot allotment/admission Process. **Candidates who have obtained admission in Government Merit seats for a**

course shall not be eligible to participate in the Spot Allotment for that particular course. But a candidate admitted in Government Merit Seat in a Government Controlled Self Financing College is allowed to participate in Spot Admission for a Government College for any course...".

There is a specific interdiction insofar as the spot allotment being sought for, for the very same course in which a candidate has obtained admission in a centralised allotment to a Government Merit seat. Arundathi's claim is to the very same course to which she got admission in the Government Rajiv Gandhi Institute of Technology, Kottayam.

5. The learned Senior Government Pleader would submit that the spot allotment is distinct from the centralised allotment and the options exercised at the allotment stage immediately after the examinations and the various stages of the centralised allotment would not be applicable to spot allotment. There would be movement after the allotment is over, for reason of candidates so allotted to the other colleges moving out on allotment by the Central Government or opting

for other courses, like MBBS, and such vacancies are filled up in spot allotment. The strict rules of option do not apply therein, since what is intended by such allotment is the filling up of seats which have been left vacant for reason of the candidates moving out from their preferred allotted seat in the centralised allotment.

6. This Court does not find any illegality, though perceivably there might be an injustice insofar as Arundathi has been denied of a college of her higher choice, while a candidate with a far lower rank gets that. Such perceived injustice is sought to be effaced by the Government by providing Clause 11.6.9 that, movement in spot allotment would be denied to a candidate who got admission to a particular course in a Government Merit seat. Considering the complicated nature by which allotments are being made and the filling up of seats in the professional courses are undertaken, this Court cannot accept even the fact that there is a palpable injustice. Arundathi, in any event, has got her option insofar as the course is concerned, that too in a Government Merit seat, which

is more relevant than the location of the college. Though there might be some amount of prestige conferred on certain colleges; but these are all matters which cannot be interfered with by this Court, especially in the complexities of the allotment undertaken by the respondent-authorities.

Writ petition would stand dismissed.

Sd/-
K.Vinod Chandran
Judge.

vku/-

[true copy]