

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 9TH DAY OF OCTOBER 2015/17TH ASWINA, 1937

WP(C).No. 28887 of 2015 (I)

PETITIONER:

**ASWATHI SURESH, AGED 24 YEARS,
S/O. SURESH T.A., FAIR LAWNS,
PARAMBIL BAZAAR, KOZHIKODE-673 012.**

**BY ADVS.SRI.G.HARIHARAN
SRI.PRAVEEN.H.**

RESPONDENT(S):

- 1. THE DISTRICT SCHEDULED CASTE DEVELOPMENT OFFICER,
CIVIL STATION P.O., KANOOR-670 002.**
- 2. THE DIRECTOR, DIRECTORATE OF
THE SCHEDULED CASTE DEVELOPMENT DEPARTMENT,
AYYANKALLI BHAVAN, VELLAYAMBALAM,
THIRUVANANTHAPURAM.**
- 3. THE JOINT DIRECTOR (EDUCATION),
DIRECTORATE OF THE SCHEDULED CASTE
DEVELOPMENT DEPARTMENT,
AYYANKALLI BHAVAN, VELLAYAMBALAM,
THIRUVANANTHAPURAM.**

BY SPECIAL GOVT. PLEADER SMT.P.K.SANTHAMMA

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09-10-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 : TRUE COPY OF THE COMMUNICATION DTD.4.8.2009 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.
- P2 : TRUE COPY OF THE ORDER DTD.1.12.2014 GRANTING CONTINUATION OF PROVISIONAL AFFILIATION TO THE COLLEGE IN WHICH THE PETITIONER IS PURSUING STUDIES.
- P3 : TRUE COPY OF THE CERTIFICATE OF APPROVAL GRANTING EX POST FACTO APPROVAL TO THE ASSOCIATION FOR WELFARE OF THE HANDICAPPED (AWH), SPECIAL COLLEGE, PAYYANNUR GRANTED BY THE REHABILITATION COUNCIL OF INDIA, DTD.10.12.2014.
- P4 : TRUE COPY OF THE FRESH APPLICATION MADE BY THE PETITIONER SEEKING THE BENEFITS THAT A SCHEDULED CASTE STUDENT WAS ENTITLED TO DTD.27.12.2014 SUBMITTED BEFORE THE 2ND RESPONDENT.
- P5 : TRUE COPY OF THE PROCEEDINGS DTD.21.7.2015 ISSUED BY THE 2ND RESPONDENT.
- P6 : TRUE COPY OF THE DEGREE CERTIFICATE ISSUED BY THE SYNDICATE OF KANNUR UNIVERSITY CONFERRING THE PETITIONER WITH THE DEGREE OF BACHELOR OF AUDIOLOGY AND SPEECH-LANGUAGE PATHOLOGY WITH ALL THE RIGHTS, PRIVILEGES AND ORDERS THEREUNTO APPERTAINING.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

A. MUHAMED MUSTAQUE, J

W.P.(C).No. 28887 of 2015

Dated this the 09th day of October, 2015

JUDGMENT

The petitioner belongs to Scheduled Caste Community. She completed a graduation program in Audiology and Speech-Language Pathology from a self-financing institute. This was completed during the year 2007-2010. The Kannur University awarded degree to the petitioner as per Ext.P6.

2. The petitioner applied for fees concession. This was rejected by the 1st respondent as per Ext.P1 stating that the college has no affiliation with Kannur University. The petitioner approached the Director of Scheduled Caste Development Department. Ext.P1 was affirmed by the Director as well.

3. It is to be noted that the University has given affiliation to the above college subsequently. This was ex post affiliation after the admission of the petitioner.

Therefore, there is no impediment in law to recognise such degree. However, the question whether the petitioner is eligible for this concession is a matter to be examined by the Authority. Therefore, this Court is of the view that matter shall be re-considered by the 2nd respondent after hearing the petitioner. If the petitioner is eligible, merely because course has obtained an ex post affiliation cannot be a reason to deny the benefit. An appropriate decision shall be taken within a period of two months after hearing the petitioner.

The writ petition is disposed of as above.

Sd/-
A. MUHAMED MUSTAQUE,
JUDGE