

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

THURSDAY, THE 15TH DAY OF JANUARY 2015/25TH POUSHA, 1936

WP(C).No. 34969 of 2014 (U)

PETITIONER(S):

- 1. ARCHANA VENUGOPAL, AGED 22 YEARS
D/O.C.VENUGOPAL, RESIDING AT 'THILAKOM'
KOLADIKANDIPPARAMBU,
NELLIKKODE P.O., CALICUT - 673 016.**
- 2. DILNA R, AGED 22 YEARS,
D/O.RAVINDRAN, RESIDING AT KAKKADAVATH HOUSE,
MAKKADA P.O., KAKKODI, CALICUT - 673 611.**

BY ADV. SRI.P.G.JAYASHANKAR

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY
DEPARTMENT OF HEALTH AND FAMILY WELFARE
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.**
- 2. COMMISSIONER OF ENTRANCE EXAMINATIONS
FIFTH FLOOR, HOUSING BOARD BUILDINGS, SANTHI NAGAR
THIRUVANANTHAPURAM-695 001.**
- 3. PMS COLLEGE OF DENTAL SCIENCES AND RESEARCH CENTRE
GOLDEN HILLS, VATTAPPARA
VENKODE P.O.THIRUVANANTHAPURAM - 695 028.**

R1 & 2 BY SENIOR GOVERNMENT PLEADER SMT.ANITHA RAVINDRAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P-1: TRUE COPY OF THE CASTE CERTIFICATE DATED 28.12.2013 ISSUED TO THE 1ST PETITIONER
- EXT.P-2: TRUE COPY OF THE INCOME CERTIFICATE ISSUED TO THE 1ST PETITIONER BEARING NO.258/2012 DATED 9.2.2012
- EXT.P-3: TRUE COPY OF THE COMMUNITY CERTIFICATE ISSUED TO THE 2ND PETITIONER BEARING NO.1217/2011 DATED 19.4.2011
- EXT.P-4: TRUE COPY OF THE INCOME CERTIFICATE BEARING NO.3652/2011 DATED 14.10.2011 ISSUED TO THE 2ND PETITIONER
- EXT.P-5: TRUE COPY OF THE ALLOTMENT MEMO ISSUED TO THE 2ND RESPONDENT TO THE 1ST PETITIONER
- EXT.P-6: TRUE COPY OF THE ALLOTMENT MEMO ISSUED TO THE 2ND RESPONDENT TO THE 2ND PETITIONER
- EXT.P-7: TRUE COPY OF THE RELEVANT EXTRACT OF THE LIST PREPARED BY THE 2ND RESPONDENT ENLISTING THE STUDENTS ELIGIBLE FOR FEE CONCESSION DATED NIL.
- EXT.P-8: TRUE COPY OF THE ORDER BEARING G.O.NO.3054/13/H&FWD DATED 30.8.2013 ISSUED BY THE 1ST RESPONDENT.
- EXT.P-9: TRUE COPY OF THE REPRESENTATION DATED 10.5.2014 PREFERRED BY THE 1ST PETITIONER BEFORE THE 1ST RESPONDENT
- EXT.P-10: TRUE COPY OF THE REPRESENTATION DATED 10.5.2014 PREFERRED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

P.R. RAMACHANDRA MENON, J.

W.P.(C) No.34969 of 2014

Dated this the 15th day of January, 2015

JUDGMENT

The petitioners have approached this Court with the following prayers:

"i. Declare that the petitioners are entitled to fee relaxation;

ii. Issue a writ of mandamus, or any other appropriate writ, direction or order, commanding the respondents to permit the petitioners to continue with the fee relaxation;

iii. Call for the records leading to the issuance of Ext.P8, and quash the same by way of issuance of a writ of certiorari, or any other appropriate writ, direction or order;

iv. Grant such other and incidental reliefs as this Hon'ble Court may deem just and necessary on the facts and circumstances of this case; and

v. Allow this Writ Petition (Civil) with costs to the petitioner."

2. The learned counsel for the petitioners submits with reference to the case projected in the writ petition, that the petitioners belong to 'Below Poverty Line' and are pursuing their studies in the 4th year BDS course in the 3rd respondent's College. It is stated that, by virtue of their poor financial status, they were enjoying the benefit of fee concession and such other instances all through out the course. However, another colleague filed a

petition, seeking for similar benefit referring to the fee benefit extended to the petitioners and the matter ultimately came to be considered by the Government. After considering the grievance projected by the aforesaid student by name Divya Das, the 1st respondent arrived at a finding that in the particular facts and circumstances, the said student was also liable to be extended the benefit of fee concession. However, this has been ordered to be done at the cost of the petitioners herein, as per Ext.P8 order dated 30.08.2013, which made the petitioners to approach this Court by filing this writ petition. The learned counsel for the petitioners asserts that absolutely no notice whatsoever was issued to the petitioners at any point of time before passing Ext.P8 order and as such, the order is per se wrong and illegal in all respects and hence requires to be intercepted by this Court.

3. Heard the learned Government Pleader as well.

4. After considering the materials on record, this Court finds that Ext.P8 order passed by the 1st respondent was without affording an opportunity of hearing to the petitioners. As such, the said order, to the extent it stands detrimental to the rights and interests of the petitioners, requires to be re-considered.

5. Accordingly, the 1st respondent is directed to reconsider the matter after affording an opportunity of hearing to the affected parties to the extent it stands against them. The proceedings as above shall be finalised, at the earliest, at any rate, within 'three months' from the date of receipt of a copy of this judgment. The benefit, which was being enjoying the petitioners so far, will be continued till the matter is reconsidered by the Government as aforesaid.

The petitioners shall produce a copy of this judgment, along with a copy of this writ petition, before the 1st respondent, for further steps.

The writ petition is disposed of.

**P.R. RAMACHANDRA MENON,
JUDGE**

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