
(2021) 01 KL CK 0019

In the High Court Of Kerala

Case No : Writ Petition (C) No. 24205 Of 2020

Amala Jayan And Ors

APPELLANT

Vs

Vs Union Of India And Ors

RESPONDENT

Date of Decision : 04-01-2021

Acts Referred:

Citation : (2021) 01 KL CK 0019

Hon'ble Judges : N. Nagaresh, J

Bench : Single Bench

Advocate : Alias M. Cherian, Anjaly Elias, T.V. Ajayakumar, P.H. Rimju, Rashmi K.M

Final Decision : Disposed Of

Judgement

1. The petitioners have approached this Court seeking the following reliefs:-

"i) To issue a writ of mandamus or any other appropriate writs, directions or orders directing 4th respondent to forward Ext.P1/certificate to 2nd and 3rd respondents, for consideration of Ext.P2/application of 1st petitioner for allotting MBBS/BDS seat of Employees State Insurance Corporation Management Quota admission 2020-2021 under economically weaker section category.

ii) To issue a writ of mandamus or any other appropriate writs, directions or directing 2nd and 3rd respondents to consider Ext.P1/certificate submitted by the 1st petitioner for allotting MBBS/BDS seat of Employees State Insurance Corporation Management Quota admission 2020 under economically weaker section category."

2. When this writ petition came up for admission on 09.11.2020, this Court passed an interim order to the following effect:-

"Admit.

Learned ASGI takes notice for 1st respondent. Learned Standing Counsel, Sri.T.V. Ajayakumar takes notice for respondents 2, 3 and 4. Learned Government

Pleader takes notice for 5th respondent.

There shall be a direction to the 4th respondent to forward Ext.P1 certificate to the competent among the respondents 2 and 3. There shall be a further direction to respondents 2 and 3 to consider the claim of the petitioner for allotment of seat, provisionally and subject to further orders. The petitioners to implead Director General of Health Services."

3. Learned counsel for the petitioners submits that pursuant to the interim order of this Court, the applications of the 1st petitioner has been considered.

4. The petitioners would submit that though for the purpose of applying and getting admission under the National Eligibility cum Entrance Test (NEET) under the EWS quota, an EWS certificate issued by the Village Officer is sufficient, for the purpose of getting reservation under the Wards of Insured Persons Quota of the ESIC, a certificate issued by the Tahsildar is required. The petitioners submitted that the 1st petitioner has made application before the Tahsildar which is acknowledged as per Ext.P4. The petitioners would submit that they will be satisfied if a decision on Ext.P4 is communicated to them by the Tahsildar.

5. Learned Government Pleader would submit that the Tahsildar has made enquiries in the matter and has found that the 1st petitioner does not satisfy the eligibility criteria prescribed by the Central Government for the issuance of EWS certificate.

In the circumstances, the writ petition is disposed of directing the 5th respondent to consider the application submitted by the 1st petitioner for EWS certificate. If any decision is not taken by the 5th respondent, the 1st petitioner shall be given an opportunity of hearing before taking a final decision. If a final decision is taken by the Tahsildar in the matter, the same shall be communicated to the 1st petitioner within a period of two weeks.