

**(2025) 07 KL CK 1189**

**In the High Court Of Kerala**

**Case No : Writ Petition (C) No. 24767 Of 2025**

Hana Fatima Ahinus

APPELLANT

Vs

State Of Kerala, Represented By Principal Secretary

RESPONDENT

**Date of Decision : 09-07-2025**

**Acts Referred:**

**Citation : (2025) 07 KL CK 1189**

**Hon'ble Judges : D. K. Singh, J**

**Bench : Single Bench**

**Advocate :** Mohan Jacob George, P.V.Parvathy, Reena Thomas, Nigi George, Ananthu V.Lal, Sherin Varghese, Brahma R.K., Bhanu Thilak N.Manoj Kumar, P.G.Pramod

**Final Decision : Disposed Of**

## Judgement

D. K. Singh, J

1. These writ petitions have been filed by the students who have passed 10 + 2 examinations from the Central Board of Secondary Education, New Delhi and who have appeared in Kerala Engineering, Architecture and Medical Entrance Examination 2025. The petitioners are aggrieved by the decision of the Government dated 01.07.2025 in Ext.P6 in W.P.(C) No.24767/2025 issued at 16.48.02 hours whereby the Government changed the prospectus stating that the entrance examination marks and class examination marks should be maintained in 50:50 ratio, but in respect of the Maths, Physics, and Chemistry, the marks obtained in +2 examination shall be in the ratio of 5:3:2.

2. The prospectus for examination was issued on 19.02.2025, which prescribed that the marks of Maths, Physics and Chemistry shall be in the ratio of 1:1:1. After changing this prospectus and formulae for counting the marks obtained in Class 10 + 2, i.e., in Maths, Physics and Chemistry in the ratio of 5:3:2 instead of 1:1:1 on 01.07.2025, the result was published on the same day at 17.48 hours, exactly one hour after the prospectus got changed.

3. The earlier prospectus was prepared on the basis of the recommendation of the expert committee in the year 2011. The said prospectus held the field for fourteen long years. But, suddenly, the Government realised in its wisdom that there were so-called glaring illegalities in the prospectus. Therefore, it needed to be changed one hour before the time of publication of the rank list on 01.07.2025.

4. Mr P.G. Pramod, learned Senior Government Pleader, submits that clause 1.6 of the prospectus gives power to the Government to make changes in the prospectus at any point of time, even after the examination is conducted and even on the date of publishing the rank list.

5. Ms Bhanu Thilak, learned Counsel, appearing for the interveners, also supports the contention of the learned Senior Government Pleader and has placed reliance on the Division Bench judgment of this Court in *Seema Sebastian v. State of Kerala* 2023 (3) KHC 284 , particularly paragraph 3, which reads thus:

"8. We would have simply accepted the argument that eligibility criteria in a prospectus cannot be changed in the normal course after the last date for submitting applications. The prospectus settles the candidates' admission criteria, etc. and gives a fair level playing field for every candidate who aspires for admission. A new claim cannot be admitted in the prospectus before the last date of submitting applications for admission. Amendment to the prospectus stands totally in a different perspective when there is a hostile discrimination between or among different classes standing on the same footing. If the prospectus fixes an eligibility criteria which offends Art.14, it cannot be said it will hold good for everyone to participate in the same manner as provided under the prospectus without amendment. The right to challenge cannot be taken away merely because there is a timeline fixed in the prospectus. No doubt, laches may sometimes be canvassed as a defence to deny relief but not to reject the challenge. When all similarly situated persons are not treated alike, that is open for challenge before the Constitutional Court. An injustice cured cannot be considered as a change of eligibility criteria. If such arguments are sustained, that would amount to denial of the right to challenge such arbitrary clauses in the prospectus. No candidates can be denuded of fundamental rights on the ground that the prospectus sets a deadline. It is in that background that the present case has to be examined.

6. While possessing the power to do something is one thing, how that power is exercised is quite another. Even if it is considered that the Government has the power to amend the prospectus, the question which would arise for consideration is when this power can be exercised and in what manner such a power can be exercised?

7. The prospectus was published on 19.02.2025 and applications were invited from the students to participate in the KEAM Entrance Examination 2025. The

last date of submission of the application was 10.03.2025. The examinations were held from 23.04.2025 to 29.04.2025 on different dates. The Government suddenly woke up because it got some supernatural wisdom to realise that the prospectus was glaringly illegal. Therefore, it needed amendment, that too, one hour before the publication of the rank list, i.e. on 01.07.2025.

8. Normally, as held by the Division Bench of this Court cited by Ms Bhanu Thilak, the prospectus cannot be changed after the last date of submission of the application. Here, not only did the last date of submission of the application got over in March 2025, but the examinations were also held from 23.04.2025 to 29.04.2025.

9. On 14.05.2025, the score cards of the students relating to the entrance examinations were declared on the website, and the students were directed to submit their marks obtained in class 10 + 2 examinations. When the authorities have full data before them and found that the students from the Kerala stream have not done very well in the examination, they decided to change the formulae in the most arbitrary, illegal and unjustified manner.

10. This Court is of the considered view that after the examination is conducted, the Government is denuded of its power even under clause 1.6 of the prospectus to change the prospectus. Rules of the game cannot be changed midway, once the game has begun.

11. Prima facie, it appears that somebody looked at the results and found that the students from the Kerala stream have not done fairly good, and to satisfy the constituency, such a mala fide decision in an arbitrary manner has been taken to change the prospectus one hour before the publication of the result on 01.07.2025. Such an exercise of power is wholly arbitrary, illegal, unjustified and cannot be countenanced on any ground.

12. Though Mr P.G. Pramod has vehemently supported the decision of the Government, he has no answer for the manner in which the prospectus was changed one hour before the rank list was published on 01.07.2025.

13. This Court, therefore, holds that the change in the prospectus one hour before the publication of the rank list after the examination is wholly unjustified, illegal and arbitrary. The change in the prospectus is set aside. The Commissioner for Entrance Examinations is directed to publish the rank list in accordance with the prospectus, which was issued on 19.02.2025.

The writ petitions stand disposed of with the aforesaid observations and directions. All Interlocutory Applications as regards interim matters stand closed.