
(2014) 12 KL CK 0093

In the High Court Of Kerala

Case No : Writ Petition (Civil) No. 29837 of 2014 (D)

Musfina

APPELLANT

Vs

Controller of Government Examinations

RESPONDENT

Date of Decision : 02-12-2014

Acts Referred:

Citation : (2014) 12 KL CK 0093

Hon'ble Judges : Dama Seshadri Naidu, J

Bench : Single Bench

Advocate : K.I. Sageer, Advocate for the Appellant; M.A. Fayaz, Senior Government Pleader, Advocate for the Respondent

Judgement

Dama Seshadri Naidu, J.—Heard the learned counsel for the petitioner and the learned Government Pleader for respondents 1 to 3, apart from perusing the record. Since the issue lies in a narrow compass, this Court proposes to dispose of the writ petition at the admission stage itself.

2. Briefly stated, the petitioner is said to have submitted an application before the second respondent seeking correction of her name as "Musfeena.C.A." in the place of "Musfina.C.A.". Complaining that the second respondent has not forwarded the said application to the first respondent, the petitioner, being minor, represented by her father and guardian, has filed the present writ petition.

3. The learned counsel for the petitioner has contended that in terms of Rule 3 Chapter VI of Kerala Education Rules (KER), the second respondent is bound to forward the application to the first respondent. In support of his submission, the learned counsel has placed reliance on State of Kerala Vs. Ritha Thomas, , a judgment rendered by a learned Division Bench of this Court.

4. The learned Government Pleader, on his part, has taken this Court through the provisions of KER and has submitted that the learned Division Bench rendered the judgment based on the rules holding the field then. According to him, in 2009 Rule 3 of Chapter VI KER underwent amendment to the extent of

"appropriate authority". In that regard, he has further submitted that the Government issued a notification in G.O.(P) No. 215/2009/G. Edn. dated 16.11.2009 specifying the Secretary to the Commissioner for Government Examinations to be the competent authority to receive the applications from the pupils who have registered for SSLC Examination.

5. Elaborating on his submissions, the learned Government Pleader has submitted that the petitioner having registered for SSLC Examination in the past, though presently she is out of the school, she still requires to make her application to the Secretary to the Commissioner for Government Examinations, rather than the second respondent.

6. It is evident that in the light of the notification dated 16.11.2009, the appropriate authority prescribed under Rule 3 of Chapter VI KER stands changed. It is not in dispute that the petitioner has made her application to the second respondent, who does not have any role to play, especially after 16.11.2009.

Accordingly, the writ petition is dismissed, leaving it open for the petitioner to approach the appropriate authority, if advised, by filing a proper application before the said authority and pursue the matter further.