

(2023) 06 KL CK 0358

In the High Court Of Kerala

Case No : Writ Petition (C) Nos. 20046, 20308 Of 2023

Sainaba Beevi K.V.K

APPELLANT

Vs

State Of Kerala

RESPONDENT

Date of Decision : 23-06-2023

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2023) 06 KL CK 0358

Hon'ble Judges : P.V. Kunhikrishnan, J

Bench : Single Bench

Advocate : P.K.Mohamed Jameel, S.Sreekumar, Surya Binoy

Final Decision : Disposed Of

Judgement

P.V. Kunhikrishnan, J

1. These two Writ Petitions are connected and therefore, I am disposing of these two Writ Petitions by a common judgment.

2. The petitioner in W.P. (C) No. 20046/2023 is the approved Manager of I.K.T. Higher Secondary School, Cherukulamba in Malappuram District. The main grievance raised in this Writ Petition is regarding the allotment of management quota for the academic year 2023-2024 for plus one course. The petitioner submitted that in the previous year as per Ext.P4 order, this court issue certain directions. The petitioner apprehend that there will be obstruction in filling up the management quota seats for plus one seats. Hence this Writ Petition is filed with the following prayers:-

"i. Issue writ of mandamus or any other appropriate writ or order or direction commanding the 2nd respondent to permit the petitioner to admit students for plus one course in the management quota seats for the academic year 2023-24.

ii. Dispense with filing of translation of vernacular documents produced as Exhibits in the writ petition.

iii. Such other writ or order or direction as this Hon'ble court may deem fit and proper in the circumstance of the case and in the interest of justice." (SIC).

3. W.P. (C) No. 20308/2023 is a rival claimant of the Management. His grievance is that the petitioner in W.P. (C) No. 20046/2023 is trying to distribute the management quota seats without considering inter se merit of the students. Hence this Writ Petition is filed with the following prayers:-

i. To issue a writ of mandamus, or any other appropriate writ, order or direction directing the 3rd and 4th Respondents to ensure that admissions under the Management Quota for the Plus-2 Course in the ITK Higher Secondary School, Cherukulamba shall be made by the 5 Respondent by strictly following the Interstate merit of the students who had applied for admission under the Management Quota;

ii. To declare that the action of the 5th Respondent in proposing the filling up of the Management Quota sets ignoring the Interstate merit of the applicants under the said quota is unconstitutional, illegal, arbitrary and unfair and violation of Article 14 of the Constitution of India;

iii. It is humbly prayed that this Hon'ble Court may be pleased to dispense with filing of English translation of Vernacular Documents.

iv. To issue such other writ, order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."[SIC]

4. Heard Senior Counsel S. Sreekumar instructed by Adv. Mohamed Jameel P.K in W.P. (C) No. 20046/2023. I also heard Adv. Elvin Peter, who appear for W.P. (C) No. 20308/2023.

5. The main apprehension of the manager is that the management quota seats will be allotted to the merit quota. The Government Pleader, after getting instructions submitted that the same is kept in abeyance based on a complaint received by the Educational Authorities and there is no problem in allotting the management quota to the manager.

6. The grievance of the petitioner in W.P. (C) No. 20308/2023 is that the management quota seats are to be distributed strictly based on the inter se merit of eligible students. The counsel appearing for the manager submitted that the management quota seats will be distributed only based on the inter se merit of eligible students. If that is the case, these two Writ Petitions can be disposed of with the following directions:-

i. The petitioner in W.P. (C) No. 20046/2023 is allowed to fill up the management quota seats for plus one course at I.K.T. Higher Secondary School, Cherukulamba in Malappuram District strictly in accordance to the inter se merit of such eligible students based on their performance in the SSLC examination as held by this court in Ext.P16 order which is produced in W.P. (C) No. 20308/2023.

ii. If there is any grievance regarding the allotment of seats by the petitioner in

W.P. (C) No. 20046/2023, the petitioner in W.P. (C) No. 20308/2023 is free to approach the Educational Authorities with appropriate application and the Educational Authorities will do the needful in accordance with law.