

(2021) 10 KL CK 0158
In the High Court Of Kerala
Case No : Writ Petition (C) No. 21704 Of 2021

Sonal S	Vs	APPELLANT
State Of Kerala		RESPONDENT

Date of Decision : 26-10-2021

Acts Referred:

Citation : (2021) 10 KL CK 0158

Hon'ble Judges : N.Nagaresh, J

Bench : Single Bench

Advocate : Sajeev Kumar K.Gopal, Ranjith K.R

Final Decision : Dismissed

Judgement

N.Nagaresh, J

1. The petitioner, who has completed his Plus Two examination, has filed this writ petition seeking to declare that the ranked list prepared for KEAM Engineering Examination by respondents 1 and 2 by applying the standardisation formula fixed in Clause 9.7.4(b)(iii) for this year is illegal and arbitrary. The petitioner further seeks to direct the respondents to prepare the ranked list for KEAM Engineering based on the marks obtained in the Entrance Examination alone or should prepare another standardisation formula taking into account the method of Examinations and declaration of results conducted by the different Examination Boards.

2. The petitioner states that in the Plus Two Examination, the petitioner got full marks for the subjects Physics, Chemistry and Mathematics. The petitioner applied for the KEAM Entrance Examination conducted by the 2nd respondent for the year 2021 for Engineering. In the Entrance Examination, the petitioner secured 940 marks out of 960. He secured 460 marks for Physics and Chemistry and 480 marks for Mathematics. The petitioner holds the first rank, if the marks of the Entrance Examination alone is taken.

3. The petitioner was expecting that he will get the first rank in the KEAM Entrance Examination as he had secured full marks for Physics, Chemistry and Mathematics in the Plus Two Examination.

4. However, when the rank list was published by the 2nd respondent, the petitioner was ranked at No.68. Another student, who secured less marks than the petitioner in Plus Two as well as Entrance Examination, was awarded with first rank. The petitioner alleges that the standardisation of marks has given an undue preference to the students of other streams. The students, who have studied under the State Syllabus, are put to great disadvantage. The petitioner submitted Exts.P4 and P5 representations before the Minister of Higher Education and the Chief Minister, respectively. As the representations are remaining unattended, the petitioner has filed the writ petition.

5. The learned counsel for the petitioner argued that in view of the Covid-19 pandemic, the Examination/marking pattern had changed and in view of such change in pattern, the standardisation formula also ought to have been changed. It is the action of the respondents in following the previous standardisation formula without taking into consideration the change in the Examination/marking pattern has brought about this situation. The petitioner, who ought to have been ranked at No.1, has been pushed down to Rank No.68 and a less meritorious student has been placed at Rank No.1.

6. In the Plus Two Examination of the State Board, additional questions were given to the students to answer any number of questions to acquire the required marks. This has resulted in a situation that more number of students secured high marks. Consequently, the Mean and Standard deviation have been increased applying the standardisation formula. The marks that can be counted for deciding the ranks have been reduced in comparison to the students of other schools. This is for no fault of the petitioner. In the circumstances, the respondents are compellable to prepare a fresh rank list based on the marks obtained in the Entrance Examination alone or in the alternative, the respondent should prepare another standardisation formula taking into account the method of examination conducted.

7. The learned Government Pleader entered appearance and resisted the writ petition. The learned Government Pleader submitted that the standardisation formula has been arrived at after a scientific process. The petitioner has not challenged the standardisation formula. This Court has considered the validity of the said formula in earlier writ petitions and has upheld the same. Therefore, the petitioner is not entitled to any relief in the writ petition, contended the learned Government Pleader.

8. I have heard the learned counsel for the petitioner and the learned Government Pleader.

9. This Court has considered the sustainability of the standardisation formula followed by the respondent in W.P.(C) No.12412/2021 and connected cases. After

considering the issue in detail, this Court held as follows:-

"Coming to the contention raised by the learned Senior Counsel for the petitioners in WP(C) No.12412 of 2021 that since the qualifying examination for the current year was conducted liberally by the State Board, the marks awarded to the candidates in their qualifying examination cannot be standardised with the marks awarded to the candidates by other Boards by any process of standardisation, much less the process of standardisation provided for in the prospectus, it is to be noted that standardisation, as it is well known, is only a process of equalising. 100% precision cannot be expected in a process of standardisation. The standardisation process is adopted in the context of admission to a course only in situations where treating the applicants alike would go against the principles of equality. Clause 9.7.4 (b)(iii) of the prospectus dealing with the formula for standardisation of the marks secured by the candidates in their qualifying examination reads thus:

x x x x x x x x

As evident from the extracted clause, the formula provided therein for standardisation has been approved by an expert committee constituted by the Government. Even this process of standardisation has been part of the prospectus for the previous entrance examinations and has passed the test of time. Though the petitioners in WP(C) No.12412 of 2021 assert that the marks secured by the candidates under the State Board cannot be standardised with the marks awarded to the candidates of other Boards for the qualifying examination conducted by the State Board was too liberal, the learned counsel did not demonstrate as to why the formula cannot be applied for standardisation in a situation of this nature. In other words, the aforesaid contention of the learned Senior Counsel for the petitioner in WP(C) No.12412 of 2021 is also liable to be rejected."

10. The said judgment in W.P.(C) No.12412/2021 was subjected to challenge in WA No.1224/2021. The Division Bench of this Court by judgment dated 27.09.2021 upheld the judgment of the learned Single Judge in W.P.(C) No.12412/2021 and connected cases.

In view of the fact that this Court has already upheld the legality and sustainability of the standardisation formula followed by the respondents, this writ petition is liable to be dismissed. The writ petition is accordingly dismissed.