
(2023) 06 KL CK 0269
In the High Court Of Kerala
Case No : Writ Petition (C) No. 17250 Of 2023

Sujatha.A

APPELLANT

Vs

Commissioner For Entrance Examinations

RESPONDENT

Date of Decision : 19-06-2023

Acts Referred:

Citation : (2023) 06 KL CK 0269

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

Bench : Single Bench

Advocate : K.M.George, Chithra P.George, Elvin Peter P.J., Sajith Kumar V.,
P.G.Pramod

Final Decision : Disposed Of

Judgement

P.V.Kunhikrishnan, J.

1. The writ petition is filed with following prayers:

(i) " Issue a write of mandamus or any other appropriate writ, order or direction compelling the Respondents to implement Exhibits P5 & P8 forthwith.

(ii) Issue a writ of mandamus or any other appropriate writ, or direction compelling the 1st Respondent to reckon the marks the Petitioner secured for Biology at +2 level instead of Mathematics for admission to the B.Tech (Biotechnology/Biochemistry) course.

(iii) To direct the 1st and 3rd respondents to consider and pass appropriate orders on Exhibits P7 & P8 (b) in the light of Exhibits-P5 & P8.

(iv) Considering the exigencies and necessity for urgent consideration of the grievance voiced in this Writ Petition, production of English translations of documents in vernacular, may kindly be dispensed with for the time being.

(v) To grant the Petitioner such other and further reliefs which this Hon'ble Court deems just and fit under the facts and circumstances of the case, and,

(vi) To award the cost of this Writ Petition from the Respondents.” [SIC]

2. The petitioner is a candidate seeking admission to the B.Tech (Biotechnology/Biochemistry) course offered under the 2nd respondent, A.P.J Abdul Kalam Technological University. It is the case of the petitioner that, with this intention she took Physics, Chemistry and Biology in her Plus Two course. It is also submitted that she had obtained 91% mark in Mathematics in her Secondary Examination. She had applied for the entrance examination, called KEAM, 2023, and appeared for the entrance examination conducted on 17.05.2023 in the subjects Physics, Chemistry and Mathematics. She had appeared for the examination in Mathematics also, otherwise she will be outrightly disqualified, is the submission. As per Ext.P4 Prospectus, Mathematics is listed as an essential subject for appearing in KEAM and for gaining admission to the above said course. It is also submitted that the AICTE has informed the petitioner vide Ext.P8 that the minimum eligibility criteria for admission to the B.Tech (Biotechnology/Biochemistry) course is Physics, Chemistry as two compulsory papers and Biology/ Biotechnology/Mathematics as an optional subject. It is also submitted that several universities in India have implemented the AICTE amended guidelines. But the A.P.J Abdul Kalam Technological University has not made any amendment in the minimum eligibility criteria, is the submission. It is also submitted that as per Ext.P8, the Academic Council and the Syndicate of the University also in favour of that and has recommended the 1st and 2nd respondents to incorporate such change in the eligibility criteria for admission to the B.Tech (Biotechnology/Biochemistry) course, as per Ext.P8. Though the petitioner has submitted Ext.P7 series of representations to all the Respondents, only the 2nd respondent has responded vide Ext.P8, is the submission. No communication is received from 1st and 3rd respondents, is the further submission. The petitioner has appeared for KEAM conducted on 17.05.2023 and the petitioner apprehends that failure to upload the mark list when the entrance score is published amounts to rejection of the application as the Prospectus prescribes Mathematics as an essential subject, potentially leading to the loss of opportunity for the petitioner to gain admission to the B.Tech course in Biotechnology. It is the case of the petitioner that respondents are bound to follow the guidelines of AICTE as per rules. The writ petition is filed for compelling the 1st respondent to implement the AICTE guidelines and to reckon the marks of the petitioner secured for Biology instead of Mathematics as in the case of Chemistry under Clause 9.7.4(b) of Ext. P2 Prospectus. Hence, this petition.

3. I have heard learned Counsel for the petitioner, the learned Government Pleader and the Standing Counsel appearing for the 2nd respondent. I have also heard the counsel appearing for the 4th respondent.

4. After hearing the counsel appearing for the petitioner and the counsel appearing for respondents, I am of the considered opinion that these are matters to be looked into by the 3rd respondent. The petitioner submitted that she

submitted Ext.P7(b) before the Minister of Higher Education. There can be a direction to the 3rd respondent to consider Ext.P7(b) within a short period, so that, the grievance of the petitioner can be considered by the competent authority, immediately.

Therefore, this writ petition is disposed of with following directions:

- 1) The 3rd respondent is directed to consider and pass appropriate orders in Ext.P7(b), after giving an opportunity of hearing to the petitioner, as expeditiously as possible, at any rate, within two weeks from the date of receipt of a certified copy of this judgment.
- 2) The petitioner or her authorized representative will appear before the 3rd respondent on 23.06.2023 at 11. a.m., the learned Government Pleader will communicate the same to the 3rd respondent.
- 3) Petitioner will produce a certified copy of this judgment along with a copy of this writ petition before the 3rd respondent for compliance.