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(2012) 06 KL CK 0097

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 5698 of 2012 (J)

Varghese George Represented by his Morther Dr. Mini K. Paul — APPELLANT

Vs

State of Kerala and Commissioner for Entrance Exams — RESPONDENT

Date of Decision : 22-06-2012

Acts Referred:
Constitution of India, 1950 — Article 14

Citation : (2012) 3 KLJ 394

Hon'ble Judges : Thottathil B. Radhakrishnan, J;K. Vinod Chandran, J

Bench : Division Bench

Advocate : Kurian George Kannanthanam, Sri. Tony George Kannanthanam and Sri. Jiji Thomas, for the Appellant; K.P. Dandapani, R1 and R2 by Advocate General, for the Respondent

Final Decision : Dismissed

Judgement

Thottathil B. Radhakrishnan, J.—This matter is before the Division Bench on a reference by a learned single Judge. We have heard the learned senior counsel for the petitioner and the learned Advocate General on behalf of the State.

2. The petitioner underwent the Plus Two Course in the I.C.S.E. stream with Mathematics, Physics, Chemistry and Computer Science as optional subjects. He applied for admission to the Engineering Course in terms of the Prospectus for the year 2012 and appeared for the Common Entrance Test conducted by the Commissioner of Entrance Examinations, Government of Kerala.

3. Notwithstanding that, the petitioner had, indisputably, given the prescribed declaration in terms of the Prospectus stating, among other things, that he has read and accepted all the conditions of admission to the Post Graduate Courses, 2012 as contained in the Prospectus, we would proceed to consider his plea on the interpretation of two provisions in the Prospectus and the declarations sought for by him challenging Clause 9.7.4(b)(iv) of the prospectus.

4. Clause 9.7.4 of the Prospectus deals with preparation of rank lists. It provides

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for a separate rank list for Engineering Courses. Sub- clause (b) thereof deals with the rank list for Engineering Courses. Sl.No.(iv) under that sub- clause reads as follows:

(iv) The subjects of the qualifying examination considered for the computation of marks for the purpose of ranking shall be Mathematics, Physics and Chemistry. The marks of the concerned subject out of hundred or an equivalent mark out of hundred, as given in the final year mark list of the Qualifying Examination of any plus two stream shall be considered. In case, the candidate has not studied Chemistry, the marks obtained in Computer Science shall be considered. In case, the candidate has not studied Chemistry and Computer Science, the marks obtained in Biotechnology shall be considered. In case, the candidate has not studied Chemistry, Computer Science and Biotechnology, the marks obtained in Biology shall be considered.

(emphasis supplied)

5. In its crux, the plea of the petitioner is that he has studied Mathematics, Physics, Chemistry and Computer Science for the Plus Two course and in the case of such a student, the compulsion that the marks obtained for Computer Science would be considered only in case, the candidate has not studied Chemistry is arbitrary, unreasonable, discriminatory and violative of Article 14 of the Constitution. In other words, the plea projected is essentially that out of the four subjects Mathematics, Physics, Chemistry and Computer Science, the three subjects in which the student has scored higher marks among the four subjects have to be reckoned as the subjects for computation of marks for the purpose of ranking.

6. Clause 9 deals with examinations. Clause 9.2 thereunder reads as follows:

G.O.(Ms)No.153/99/H.Edn. Dated 22.11.1999 stipulates that the Entrance Examinations for Engineering and Medical & Allied courses will be conducted separately, each test with a relative weightage of 5:3:2 in Mathematics, Physics & Chemistry in Engineering Entrance Examination and in Biology, Chemistry & Physics for Medical Entrance Examination.

(emphasis supplied)

7. Adverting to clause 9.2.1(a), it can be seen that there are two papers for Engineering Entrance Examination. Paper I consists of Physics & Chemistry and Paper II consists of Mathematics.

8. From the afore-noted materials, it is crystal clear that the competition in the Entrance Examination for entrance to the Engineering Courses is footed on comparative evaluation of the candidates'' performance in Mathematics, Physics and Chemistry in the Entrance Examination. When it comes to computation of marks for the purpose of ranking, the subjects reckoned for Engineering are firstly Mathematics, Physics & Chemistry which are the very same subjects as are put in the competitive Entrance Examination. What has been provided in the

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latter limbs of clause 9.7.4(b)(iv) is an extended consideration for those students who might not have studied Chemistry and/or Computer Science. If a candidate has not studied Chemistry, the marks obtained in Computer Science would be considered in lieu of Chemistry. In the case of a student who has not studied Chemistry and Computer Science, the marks obtained in Biotechnology would be considered. Still again, in the case of a student who has not studied Chemistry, Computer Science or Biotechnology, marks obtained for Biology would be considered. This means that though the priority given by the State Government while prescribing the Prospectus through the Commissioner of Entrance Examinations is for the marks obtained for Mathematics, Physics and Chemistry in the qualification examination, what is made by bringing in Computer Science, Biotechnology and Biology is only an allowance in favour of those students; may be competing from other States or from other Universities; but would not have studied Chemistry but have studied Computer Science or Biotechnology or Biology. We do not see any other way of reading the terms of the prospectus which are plainly clear. The relative significance given to subjects is in consonance with the course of study for which entrance is held. A student opting for Chemistry and Biology cannot say that his marks for Biology be considered though it is not a subject for the entrance or for the course. Academics are best left to academicians. We see that no ground is made out for judicial interference which would be done with such matters only in exceptionally exceptional situations where palpable perversity is writ large. Otherwise, the judiciary will keep its hands off the domain. Overreach by judicial review cannot extend to deciding the relative significance of subjects. For the aforesaid reasons, this writ petition fails. The same is accordingly dismissed.

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