

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

THURSDAY, THE 17TH DAY OF DECEMBER 2020 / 26TH AGRAHAYANA, 1942

WP(C).No.28170 OF 2020(U)

PETITIONER:

KRISHNA UMESH, AGED 18 YEARS  
D/O.UMESH NARAYANAN, RESIDING AT KRISHNA VILLA,  
TC 56/1087, MELAMCODE, NEMOM (PO),  
THIRUVANANTHAPURAM, PIN - 695 020.

BY ADVS.  
SHRI.JAWAHAR JOSE  
SMT.CISSY MATHEWS  
SRI.JAISON ANTONY

RESPONDENTS:

- 1 THE COMMISSIONER OF ENTRANCE EXAMINATION  
5TH FLOOR, KERALA STATE HOUSING BOARD BUILDING,  
SANTHI NAGAR, THIRUVANANTHAPURAM, PIN - 695 001.
- 2 THE PRINCIPAL, GOVERNMENT MEDICAL COLLEGE  
MEDICAL COLLEGE (P.O.),  
THIRUVANANTHAPURAM, PIN - 695 011.
- 3 THE PRINCIPAL,  
COLLEGE OF VETERINARY AND ANIMAL SCIENCES  
MANNUTHY (P.O.), THRISSUR, PIN - 680 651.

OTHER PRESENT:

SR.GP.SRI.V.MANU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON  
17.12.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

**J U D G M E N T**

Petitioner had appeared in the KEAM Entrance Examination held in 2020 and had applied for special reservation in the category of children of defence personnels who died-in-harness (HR Category). It is pointed out that as per Clause 5.22 of Ext.P1 prospectus, in the absence of candidates in the category dependants of defence personnels who have been killed/missing/disabled (DK Category) those seats would go to the category of HR (in which petitioner is included). There are 5 seats reserved for DK Category for MBBS. Petitioner had submitted her option for admission to MBBS Course.

2. In Ext.P3 rank list, petitioner was included in HR Category. It is stated that there was only one successful candidate in Ext.P3 rank list who had applied under the Category DK. Therefore petitioner claims that all the remaining 4 seats should go to HR Category. However the petitioner came to know that one among the 4 seats was filled

up by giving admission to Roll No.312241 in the Government Medical College, Thiruvananthapuram under DK Category. Petitioner claims that the said candidate had not applied under the DK Category and therefore the said allotment and admission granted to him is illegal. It is stated that on account of this, petitioner did not get admission for MBBS and she had to join the Government College of Veterinary and Animal Sciences, Mannuthy, as the seats under DK Category were filled up. Therefore petitioner has filed this writ petition challenging the allotment given to the candidate with Roll No. 312241 in the DK Category and for consequential direction to allot her as against the seat occupied by him.

3. Learned Government Pleader submitted that one Abhimanue Prince had approached this Court filing W.P.(C).No.24900 of 2020 claiming reservation. Even though the writ petition was dismissed as per judgment dated 16.11.2020, he filed W.A.No.1537 of 2020 and he was granted admission on

the basis of the judgment in the Writ Appeal. In judgment dated 04.12.2020, the Division Bench of this Court had held as follows:

“In such a view of the matter, we deem it fit to set aside the impugned judgment dated 16/11/2020 in W.P.(C).No.24900/2020, accordingly we do so. Taking note of the submission of the learned Senior Government Pleader that there is no other qualified candidate available for admission against the seats earmarked for defence personnel killed/missing/disabled in action (DK) category, except the appellant and another candidate, who has already been admitted, and also taking note of the fact that there are four seats remaining vacant, we permit the appellant to submit the required certificates and that he be admitted to the 1<sup>st</sup> year MBBS course, according to his merit. Respondents are directed to communicate the copy of the judgment passed in this appeal, so as to enable the appellant to submit the document online. Respondents are further directed to send appropriate intimation to the appellant to comply with the judgment of this Court and make suitable arrangements to open the portal, for this specific purpose.”

In view of the judgment in W.A.No.1537 of 2020, petitioner cannot be granted any relief. Accordingly, this writ petition is dismissed.

Sd/-  
**P.V.ASHA, JUDGE**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

- EXHIBIT P1 TRUE COPY OF THE RELEVANT PAGES OF THE PROSPECTUS FOR THE KEAM ENTRANCE EXAMINATION.
- EXHIBIT P2 TRUE COPY OF THE ADMIT CARD ISSUED TO THE PETITIONER BY THE 1ST RESPONDENT.
- EXHIBIT P3 TRUE COPY OF THE RELEVANT PAGE OF THE RANK LIST PUBLISHED BY THE 1ST RESPONDENT ON 18/11/2020.
- EXHIBIT P4 TRUE COPY OF THE RELEVANT PAGE OF THE ALLOTMENT LIST WITH RESPECT TO CANDIDATE WITH ROLL NUMBER 306332 ON 20/11/20.
- EXHIBIT P5 TRUE COPY OF THE RELEVANT PAGE OF THE ALLOTMENT LIST WITH RESPECT TO CANDIDATE WITH ROLL NUMBER 322215 ON 10/12/20.
- EXHIBIT P6 TRUE COPY OF THE RELEVANT PAGE OF THE ALLOTMENT LIST WITH RESPECT TO CANDIDATE WITH ROLL NUMBER 128752 ON 10/12/20.
- EXHIBIT P7 TRUE COPY OF THE RELEVANT PAGE OF THE ALLOTMENT LIST WITH RESPECT TO CANDIDATE WITH ROLL NUMBER 101593 ON 10/12/20.
- EXHIBIT P8 TRUE COPY OF THE RELEVANT PAGE OF THE ALLOTMENT LIST WITH RESPECT TO CANDIDATE WITH ROLL NUMBER 127833 ON 10/12/20.
- EXHIBIT P9 TRUE COPY OF THE RELEVANT PAGE OF THE ALLOTMENT LIST WITH RESPECT TO THE PETITIONER ON 10/12/20.

EXHIBIT P10

TRUE COPY OF THE RELEVANT PAGE OF THE  
ALLOTMENT LIST WITH RESPECT TO  
CANDIDATE WITH ROLL NUMBER 312241 ON  
10/12/20.