

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT**

**THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN**

**WEDNESDAY, THE 22<sup>ND</sup> DAY OF DECEMBER 2021 / 1ST POUSHA,**

**1943**

**WP(C) NO. 27168 OF 2021**

**PETITIONER/S:**

VINAY SHANKER, AGED 21 YEARS  
S/O.SREENIVASAN, CHAKKAMPILATH HOUSE, OORAKAM  
DESOM, OORAKAM VILLAGE, THIROORANGADI TALUK,  
OORAKAM MELMURI P.O., MALAPPURAM DISTRICT.

BY ADVS.  
C.DHEERAJ RAJAN  
ANAND KALYANAKRISHNAN

**RESPONDENT/S:**

- 1 UNION OF INDIA  
REP. BY JOINT SECRETARY, MINISTRY OF HIGHER  
EDUCATION, 122-C, SHASTRI BHAVAN, NEW DELHI -  
110 001.
- 2 STATE OF KERALA  
REPRESENTED BY CHIEF SECRETARY TO GOVERNMENT,  
MINISTRY OF PERSONNEL AND ADMINISTRATIVE REFORMS  
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM -  
695 001.
- 3 DIRECTOR OF MEDICAL EDUCATION  
MEDICAL COLLEGE, MEDICAL COLLEGE, KUMARAPURAM  
ROAD, CHALAKKUZHI, THIRUVANANTHAPURAM DISTRICT -  
695 011.
- 4 COMMISSIONER OF ENTRANCE EXAMINATIONS  
5TH FLOOR, HOUSING BOARD BUILDINGS, SANTHI  
NAGAR, THIRUVANANTHAPURAM - 695 001.
- 5 DENTAL COUNCIL OF INDIA  
REP. BY ITS SECRETARY, ALWAN-E, MARG, KOTLA  
ROAD, TEMPLE LANE OPP MATA SUNDARI COLLEGE FOR  
WOMEN, NEW DELHI - 110 002.

- 6 VETERINARY COUNCIL OF INDIA  
REP. BY ITS SECRETARY, A-WING, IIND FLOOR,  
AUGUST KRANTI BHAWAN, BHIKAJI KAMA PLACE, NEW  
DELHI - 110 066.
- 7 KERALA UNIVERSITY OF HEALTH SCIENCES  
REP. BY VICE CHANCELLOR, MEDICAL COLLEGE P.O.,  
THRISSUR - 680 596.
- 8 KERALA VETERINARY AND ANIMAL SCIENCES  
UNIVERSITY  
REP. BY VICE CHANCELLOR POOKODE P.O., WAYANAD -  
673 576.

BY ADVS.

SRI.P.G.PRAMOD, GOVERNMENT PLEADER  
SRI.PRAKASH M.P., SC, DENTAL COUNCIL OF INDIA  
AYSHA YOUSEFF, SC, KERALA VETERINARY AND ANIMAL  
SCIENCES UNIVERSITY, WAYANAD

ADV. S. MANU ASGI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR  
ADMISSION ON 22.12.2021, THE COURT ON THE SAME DAY  
DELIVERED THE FOLLOWING:

**P.V.KUNHIKRISHNAN, J.**

**W.P.(C).No. 27168 of 2021**

Dated this the 22<sup>nd</sup> day of December, 2021

**JUDGMENT**

The writ petitioner seeks a direction to the 5<sup>th</sup> and 6<sup>th</sup> respondents to increase the number of seats to the Veterinary and Dental Courses so as to implement the reservation category of Economically Weaker Section and a further direction to respondents 5 and 6 to implement Ext.P4 office memorandum dated 17.01.2019 issued by the 1<sup>st</sup> respondent to the respective courses offered by respondents 5 and 6.

2. When this writ petition came up for consideration, this Court directed the 3<sup>rd</sup> respondent to get instruction. The 3<sup>rd</sup> respondent filed a counter affidavit. The relevant portion of the counter affidavit is extracted hereunder:

“3. It is submitted that the State Government has taken a policy decision to set apart 10% seats for persons belonging to Economically Weaker Section

of the society in the matter for admissions in institutions including professional colleges under Higher Education Department. True copy of G.O (Ms) No.128/2020/H.Edn dated 20.03.2020 is produced herewith and marked as **Exhibit R3(a)**. Accordingly this year 10% of seats are set apart for candidates belonging to EWS. So the apprehension raised in the Writ Petition that there will not be any reservation for Economically Weaker Section in the matter of admissions covered by the KEAM prospectus 2021 is baseless. There is nothing illegal in setting apart of 10% of the seats to EWS candidates as the total reservation will not exceed 50% of the total number of seats available.”

3. Ext.R3(a) is a Government Order passed on 20.03.2020 in which clause 5 is relevant and it is also extracted hereunder:

“5 ഈ വിഷയം സർക്കാർ വിശദമായി പരിശോധിച്ചതിന്റെ അടിസ്ഥാനത്തിൽ സംസ്ഥാനത്തെ, ഉന്നത വിദ്യാഭ്യാസ വകുപ്പിന് കീഴിലുള്ള പ്രൊഫഷണൽ കോളേജുകൾ ഉൾപ്പെടെയുള്ള എല്ലാ ഉന്നതവിദ്യാഭ്യാസ സ്ഥാപനങ്ങളിലും (സ്മൃതപക്ഷ സ്ഥാപനങ്ങൾ ഒഴികെ) സാമ്പത്തികമായി പിന്നോക്കം നിൽക്കുന്ന പൊതുവിഭാഗത്തിലെ വിദ്യാർത്ഥികൾക്ക് പ്രവേശനത്തിന് 10% സംവരണം നടപ്പിലാക്കിക്കൊണ്ട് ഇതിനാൽ ഉത്തരവാകുന്നു.”

4. The learned Government Pleader submitted that

Ext.R3(a) is a policy decision of the Government.

In the light of the affidavit of the 3<sup>rd</sup> respondent and in the light of Ext.R3(a) Government Order, I think no further clarity is necessary in this writ petition. Recording the affidavit and clause 5 of Ext.R3(a), this writ petition is closed.

sd/-

**P.V.KUNHIKRISHNAN**  
**JUDGE**

das

**APPENDIX OF WP(C) 27168/2021**

PETITIONER EXHIBITS

- Exhibit P1 THE TRUE COPY OF EWS CERTIFICATE NO.250/2020 DATED 15/09/2020 ISSUED BY THE VILLAGE OFFICER OORAKAM IN FAVOR OF THE PETITIONER.
- Exhibit P2 THE TRUE COPY OF THE RELEVANT PAGES OF THE PROSPECTUS ISSUED BY THE 4TH RESPONDENT.
- Exhibit P3 THE TRUE COPY OF THE RANK LIST PUBLISHED BY THE 4TH RESPONDENT PERTAINING TO THE QUALIFIED ENTRANCE EXAMINATION TO THE ADMISSION TO MEDICAL AND ALLIED COURSES DATED 10/12/2020.
- Exhibit P4 THE TRUE COPY OF THE OFFICE MEMORANDUM DATED 17/01/2019 ISSUED BY THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT.
- Exhibit P5 THE TRUE COPY OF THE JUDGMENT DATED 22/11/2021 IN WPC 12307/2021.

RESPONDENT EXHIBITS

- Exhibit R3A TRUE COPY OF GO(MS)N0128/2020/H.EDN DATED 20.3.2020