

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 30TH DAY OF OCTOBER 2020 / 8TH KARTHIKA, 1942

WP(C).No.23141 OF 2020(P)

PETITIONER/S:

JOET JOHNSON, AGED 18 YEARS
D/O. JOHNSON, PALLIKUNNATH HOUSE, MATTOOR, KALADY
PO, ERNAKULAM DISTRICT, PIN - 683574.

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENT/S:

- 1 STATE OF KERALA, REPRESENTED BY PRINCIPAL SECRETARY
TO GOVERNMENT, (HIGHER EDUCATION) SECRETARIAT,
THIRUVANANTHAPURAM - 695001.
- 2 THE COMMISSIONER FOR ENTRANCE EXAMINATION
OFFICE OF THE COMMISSIONER FOR ENTRANCE
EXAMINATION, KERALA STATE HOUSING BOARD BUILDING,
SHANTHI NAGAR, THIRUVANANTHAPURAM - 695001.
- 3 THE PRINCIPAL, GOVERNMENT LAW COLLEGE, ERNAKULAM,
KOCHI- 682011.
- 4 THE PRINCIPAL, GOVERNMENT LAW COLLEGE, THRISSUR,
COLLEGE ROAD, MADONA NAGAR, AYYANTHOLE P O,
THRISSUR DISTRICT, PIN - 680003.
- 5 THE PRINCIPAL
GOVERNMENT LAW COLLEGE, THIRUVANANTHAPURAM, BARTON
HILL ROAD, BARTON HILL COLONY, KUNNUKUZHY,
THIRUVANANTHAPURAM DISTRICT, PIN - 695037.
- 6 THE PRINCIPAL, GOVERNMENT LAW COLLEGE, KOZHIKODE,
VELLIMADUKUNNU, KOZHIKODE DISTRICT, PIN - 673012.

OTHER PRESENT:

SRGP.SRI.V.MANU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.10.2020, ALONG WITH WP(C).23133/2020(N), WP(C).23177/2020(V),
WP(C).23268/2020(G), THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 30TH DAY OF OCTOBER 2020 / 8TH KARTHIKA, 1942

WP(C).No.23133 OF 2020(N)

PETITIONER/S:

ANTONY THOMAS
AGED 35 YEARS
S/O. THOMAS, CHELIPARAMBAN HOUSE, CHALAKKUDY TALUK,
PARIYARAM VILLAGE, PARIYARAM P O, THRISSUR
DISTRICT- 680721.

BY ADV. SRI.C.DHEERAJ RAJAN

RESPONDENT/S:

- 1 STATE OF KERALA, REPRESENTED BY SECRETARY, MINISTRY
OF EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM -
659001,
- 2 COMMISSIONER OF ENTRANCE EXAMINATION
5TH FLOOR, KSHB BUILDING, .S.S KOVIL ROAD, SANTHI
NAGAR, THIRUVANANTHAPURAM - 695001.
- 3 GOVERNMENT LAW COLLEGE, BARTON HILL ROAD, BARTON
HILL COLONY, KUNNUKUZHY, THIRUVANANTHAPURAM,
REPRESENTED BY ITS PRINCIPAL - 695037.
- 4 GOVERNMENT LAW COLLEGE, MARINE DRIVE, ERNAKULAM,
REPRESENTED BY ITS PRINCIPAL - 682011.
- 5 GOVERNMENT LAW COLLEGE, LAW COLLEGE ROAD, MADONNA
NAGAR, AYYANTHOLE, THRISSUR, REPRESENTED BY ITS
PRINCIPAL - 680003,
- 6 GOVERNMENT LAW COLLEGE
VELLIMADUKUNNU, KOZHIKODE, REPRESENTED BY ITS
PRINCIPAL - 673012.

OTHER PRESENT:

SRGP.SRI.V.MANU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.10.2020, ALONG WITH WP(C).23141/2020(P), WP(C).23177/2020(V),
WP(C).23268/2020(G), THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 30TH DAY OF OCTOBER 2020 / 8TH KARTHIKA, 1942

WP(C).No.23177 OF 2020(V)

PETITIONER/S:

REEJA P.I
AGED 29 YEARS
PULIKKOTIL HOUSE,
CHERAI P O,
PIN-683514,
ERNAKULAM DISTRICT.

BY ADVS.
SRI.P.BABU KUMAR
SRI.P.YADHU KUMAR
SRI.VISHNU BABU

RESPONDENT/S:

- 1 THE COMMISSIONER OF ENTRANCE EXAMINATION
OFFICE OF THE ENTRANCE EXAMINATION COMMISSIONER,
THIRUVANANTHAPURAM-695001.
- 2 PRINCIPAL SECRETARY TO GOVERNMENT
SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 3 THE PRINCIPAL
GOVERNMENT LAW COLLEGE, ERNAKULAM-682031.

OTHER PRESENT:

SRGP.SRI.V.MANU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30.10.2020, ALONG WITH WP(C).23133/2020(N), WP(C).23141/2020(P), WP(C).23268/2020(G), THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE SMT. JUSTICE P.V.ASHA

FRIDAY, THE 30TH DAY OF OCTOBER 2020 / 8TH KARTHIKA, 1942

WP(C).No.23268 OF 2020(G)

PETITIONER/S:

KARAN JOSE THAYAMKERIL
AGED 24 YEARS
BA ENGLISH LITERATURE, S/O.ADV.JOSEPH.J,
THAYAMKERIL AYYANAT THAYAMKERIL, OLI MANA, KUMBALAM
DESOM AND VILLAGE, KOCHI-682506.

BY ADVS.
SRI.JOSEPH J.THAYAMKERIL
SRI.JACOB ABRAHAM

RESPONDENT/S:

- 1 THE PRINCIPAL
GOVT.LAW COLLEGE, ERNAKULAM, KOCHI-682011.
- 2 THE COMMISSIONER FOR ENTRANCE EXAMINATIONS,
OFFICE OF THE COMMISSIONER FOR ENTRANCE
EXAMINATIONS, HOUSING BOARD BUILDING, SANTHI NAGAR,
THIRUVANANTHAPURAM-695001.
- 3 STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT,
THIRUVANANTHAPURAM-695001.

OTHER PRESENT:

SRGP.SRIV.MANU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
30.10.2020, ALONG WITH WP(C).23133/2020(N), WP(C).23141/2020(P),
WP(C).23177/2020(V), THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

[WP(C).23141/2020, WP(C).23133/2020, WP(C).23177/2020,
WP(C).23268/2020]

Dated this the 30th day of October 2020

The petitioners in all these cases belong to Economically Weaker Section (EWS). Petitioners in WP(C) No.23177 of 2020 and 23268 of 2020 are candidates who submitted applications for appearing in the Entrance Examination for admission to three year LLB course and the petitioners in WP(C) Nos.23133 of 2020 and 23141 of 2020 are candidates who submitted applications for appearing in the Entrance Examination for admission to 5 year LLB course and got included in the respective rank lists published by the Commissioner for Entrance Examinations. None of these petitioners have claimed the seats reserved for Economically Weaker Section, while submitting applications producing the requisite certificates. On coming to know that spot admissions are being made against vacant seats they have approached this Court seeking directions to respondents to admit them to 3 year LLB course/5 year LLB course against the seats reserved for Economically Backward Section.

2. The case of the petitioner in WP(C) No.23177 of 2020 is that she is rank No.2615 for the three yer LLB course. Producing Ext.P5 income certificate and Ext.P6 domicile certificate issued by the Village Officer on 01.10.2019 and 09.10.2019, she claims

that she is eligible for admission in EWS quota.

3. Petitioner in WP(C) No.23268 of 2020 is rank No.677. It is stated that as per Ext.P9 notification dated 20.10.2020 Government Law Colleges have been directed to fill up the remaining seats for admission on or before 31.10.2020. It is stated that vacancies have been notified as per Ext.P10 notification issued on 27.10.2020. He has produced income tax returns of his mother (Ext.P12) in support of the claim that he belongs to EWS quota.

4. The petitioner in WP(C)No.23141 of 2020 is rank No.2401 for 5 year LLB course. He has got income certificate from the Village Officer (Ext.P1) on 28.02.2020. He has stated that the Government had as per notification dated 03.01.2020 decided to implement reservation for Economically Weaker Section in General Category to all the higher educational institutions. It is also stated that she was unable to submit the certificate issued to the Economically Weaker Section at the time of making online application on account of Covid-19 pandemic. It is her further case that the Government had as per Ext.P5 G.O issued on 19.08.2020 sanctioned 10% seats in educational institutions for Economically Weaker Section and therefore the petitioner is eligible for reservation under the said category and she got Ext.P6 income and assets certificate from the Village Officer on 10.08.2020.

5. The petitioner in WP(C) No.23133/2020 is rank No.1946

for admission to 5 year LLB course. He got Ext.P3 income and assets certificate from the Village Officer on 20.10.2020. It is stated that admission started on 27.10.2020 in Government Law College, Ernakulam, on 28.10.2020 in Government Law College, Kozhikkode and Trivandrum and on 30.10.2020 in Government Law College, Thrissur.

6. Sri.V.Manu, the learned Senior Government Pleader pointed out that in the prospectus for admission for 3 year LLB course as well as that for 5 year LLB course issued on approval from Government on 03.03.2020 there is a specific provision in clause 8, which deals with Reservation of Seats and sub clause (D) thereof provided that as per G.O.(P) No. 1/2020/P&ARD dated 03.01.2020 Government have decided to implement reservation for Economically Weaker Sections in General category (EWS) to all higher educational institutions where reservation to other backward classes are provided. It was stated that the institutional break up would be notified separately as and when supernumerary seats are sanctioned. Apart from that it was provided in a box below clause 11 as follows:

IMPORTANT: (a) DOCUMENTS OR CERTIFICATES FURNISHED AFTER THE SUBMISSION OF THE APPLICATION WILL NOT BE ENTERTAINED UNDER ANY CIRCUMSTANCES. (b) NO OPPORTUNITY WILL BE GIVEN TO INCORPORATE ANY DETAILS AFTER THE SUBMISSION OF THE APPLICATION.

7. Further in clause 13, which deals with the "Procedure for applying online", in Step 4, among the documents to be

uploaded along with application, sub clause (h) provided for any other documents mentioned in the Notification of the Entrance Examination. Similar provisions are available in the prospectus for 5 year LLB course also. Further in the separate notification issued by the Commissioner for Entrance Examination on 07.03.2020 inviting applications for 3 year/5 year LLB course it was specifically provided among "certificates/documents to be uploaded in the Online Application" that the candidates eligible for the supernumerary seats to be sanctioned for EWS quota seats should submit the EWS certificate from the Village Officer in the prescribed format as per G.O.(MS) No.02/2020/P&ARD from the Personnel and Administrative Reforms (Rules) Department) dated 12.02.2020. Petitioners have submitted applications pursuant to those notifications. After publication of the results notification was issued on 20.08.2020 regarding first phase of centralised allotment for admission of 3 year LLB course notifying registration of online options from the candidates. As per Note (2) thereof it was informed that allotment of seats for Economically Weaker Section in general category and Sports Quota seats were not included in this phase. The 2nd phase of allotment was notified on 09.09.2020. In that phase allotment to EWS quota was made. The notification for third phase of allotment was issued on 02.10.2020. The procedure adopted for the five year course was also similar. It is stated that after the third phase of allotment the mop up allotment was made as per notification

dated 17.10.2020. After completion of third phase of allotment and the mop up allotment Commissioner for Entrance Examinations as per letter dated 27.10.2020 issued instructions to respective Principals of the Colleges to fill up the vacant seats in EWS quota for admission to the three year and 5 year integrated LLB courses strictly in accordance with the order of merit in the ranked list ensuring principles of reservation without filling up seats in one category from another category and ensuring that the candidate is included in a particular category list shall alone be given admission in that category etc.

8. As pointed out by the learned Government Pleader this Court has in a series of judgments held that the candidates who did not claim seats in a particular category or did not submit the requisite documents along with the applications, as prescribed in the prospectus and the notification inviting applications cannot have any right thereafter to raise any claim either for change of category/community status or to upload requisite documents and claim admission based on the same (see the judgment dated 14.08.2020 in W.A.No.1080/2020, judgment dated 23.09.2020 in W.P.(C) No. 17368, 18658 and 18910 of 2020, etc where the claim of candidates for admission to LLB course was rejected).

9. Going by those judgments petitioners who did not claim seats in EWS quota, despite the specific provisions in the prospectus and notification inviting applications and did not

upload the requisite certificate as provided therein along with their application are also not entitled to raise any such claim at this distance of time. All of them have chosen to get the income and asset certificate only in August/October 2020 and some of them are yet to apply and obtain such certificate.

10. Despite all these it is seen that seats are available in the Law Colleges in the 10% quota sanctioned for EWS. This 10% quota is newly introduced in the year 2020. These seats cannot be filled up by candidates from any other category. Unlike, Medical and Engineering courses there is no cut off date for completing the process of admission. As all the phases of allotment is over, it would not cause much inconvenience to the respondents, if another spot admission or any process of admission is carried out as against the remaining seats.

11. In the above circumstances of the case, I am of the view that it would be open to the respondents to make admissions to the unfilled seats in the EWS quota after giving due publicity from among the candidates in the rank lists strictly in accordance with merit after ensuring that those who had claimed EWS seat in the application form/uploaded certificates for the same are given priority. Admission need be given only to those who produce the requisite certificate as prescribed on the date fixed for admission.

12. It is made clear that this judgment shall not be treated as a precedent as such an option is given to the

respondents only because it is seen that there are seats remaining vacant even after the mop admission and spot admission and those seats cannot be filled up by any candidate other than from EWS quota and those seats would only lapse when there are candidates who otherwise belong to the Economically Weaker Section.

The Writ Petitions are disposed of accordingly.

Sd/-

P.V.ASHA

JUDGE

rkc

APPENDIX OF WP (C) 23141/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE INCOME CERTIFICATE ISSUED TO THE PETITIONER BY THE VILLAGE OFFICER, MATTOOR DATED 28.02.2020,
EXHIBIT P2	TRUE COPY OF THE DOWNLOADED COPY OF THE CONFIRMATION PAGE FOR APPLICATION ISSUED BY THE 2ND RESPONDENT DATED 12.03.2020.
EXHIBIT P3	TRUE COPY OF THE ADMIT CARD ISSUED BY 2ND RESPONDENT TO THE PETITIONER DATED 17.06.2020.
EXHIBIT P4	TRUE COPY OF THE DOWNLOADED COPY OF THE CANDIDATE'S DATA SHEET ISSUED BY THE 2ND RESPONDENT.
EXHIBIT P5	TRUE COPY OF THE GO(RT) NO.1052/2020/HEDN ISSUED BY THE 1ST RESPONDENT DATED 19.08.2020.
EXHIBIT P6	TRUE COPY OF THE EW CERTIFICATE ISSUED TO THE PETITIONER BY THE VILLAGE OFFICER, MATTOOR DATED 10.08.2020.

APPENDIX OF WP (C) 23133/2020

PETITIONER'S/S EXHIBITS:

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|------------|---|
| EXHIBIT P1 | THE TRUE COPY OF E CONFIRMATION PAGE ISSUED BY THE 2ND RESPONDENT EVIDENCING THE FACTUM OF PAYMENT FOR APPLICATION FEE. |
| EXHIBIT P2 | THE TRUE COPY OF THE DATA SHEET OF THE PETITIONER EVIDENCING THE FACTUM OF SECURING HIS RANK. |
| EXHIBIT P3 | THE TRUE COPY OF THE CERTIFICATE NO. 1746/2020 DATED 20.10.2020 ISSUED BY THE VILLAGE OFFICER. |
| EXHIBIT P4 | THE TRUE COPY OF THE E-MAIL SEND BY THE PETITIONER TO THE 2ND RESPONDENT. |
| EXHIBIT P5 | THE TRUE COPY OF THE LIST PUBLISHED BY THE 2ND RESPONDENT SHOWING HE VACANT SEATS. |

APPENDIX OF WP (C) 23177/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE PHOTOCOPY OF THE CONFIRMATION PAGE OF 3 YEAR LLB COURSE 2020 OF THE PETITIONER.
EXHIBIT P2	TRUE PHOTOCOPY OF THE ADMIT CARD ISSUED BY 1ST RESPONDENT TO THE PETITIONER.
EXHIBIT P3	TRUE PHOTOCOPY OF THE DATA SHEET OF THE PETITIONER SHOWING THE RANK NO.2615.
EXHIBIT P4	TRUE PHOTOCOY OF THE GO (RT) NO.1052/2020 DATED 19.8.2020.
EXHIBIT P5	TRUE PHOTOCOPY OF THE INCOME CERTIFICATE ISSUED BY THE PALLIPPURAM VILLAGE OFFICER.
EXHIBIT P6	TRUE PHOTOCOPY OF THE DOMICILE CERTIFICATE ISSUED BY THE VILLAGE OFFICER.
EXHIBIT P7	TRUE PHOTOCOPY OF THE SSLC EXAMINATION SHOWING THE RELIGION AND PETITIONER'S COMMUNITY

APPENDIX OF WP (C) 23268/2020

PETITIONER'S/S EXHIBITS:

EXHIBIT P1	TRUE COPY OF THE PROVISIONAL DEGREE CERTIFICATE DATED 07.07.2020 ISSUED BY THE REGISTRAR, INDIRA GANDHI NATIONAL OPEN UNIVERSITY NEW DELHI-110068.
EXHIBIT P2	TRUE COPY OF MARKLIST ISSUED BY THE REGISTRAR, IGNOU ON 07.07.2020.
EXHIBIT P3	TRUE COPY OF THE MIGRATION CERTIFICATE/T.C. DATED 23.10.2020 ISSUED BY THE REGIONAL DIRECTOR OF IGNOU AT KOCHI.
EXHIBIT P4	TRUE COPY OF THE SENIOR SCHOOL CERTIFICATE DATED 26.05.2014 ISSUED BY THE CENTRAL BOARD OF SECONDARY EDUCATION.
EXHIBIT P5	TRUE COPY OF THE MARK STATEMENT ISSUED ON 26.05.2014 BY THE CONTROLLER OF EXAMINATIONS, CBSE.
EXHIBIT P6	TRUE COPY OF THE CONDUCT CERTIFICATE DATED 22.10.2020 ISSUED BY THE ADDL.GOV'T.PLEADER AND PUBLIC PROSECUTOR.
EXHIBIT P7	TRUE COPY OF THE RELEVANT 2ND AND 35TH PAGE OF PASSPORT OF THE PETITIONER ISSUED ON 05.11.2014 CONTAINING PERSONAL DETAILS OF THE PETITIONER.
EXHIBIT P8	TRUE COPY OF THE CANDIDATE DATA SHEET DATED NIL ISSUED BY THE 2ND RESPONDENT DEPICTING HIS RANK 677.
EXHIBIT P9	TRUE COPY OF THE NOTICE DATED 20.10.2020, THE PRINCIPALS OF GOVT.LAW COLLEGES ARE DIRECTED TO FILL UP ANY REMAINING SEATS THROUGH SPOT ADMISSION TO BE CONDUCTED BY THE 1ST RESPONDENT BEFORE 31.10.2020.
EXHIBIT P10	TRUE COPY OF THE NOTIFICATION DATED 27.10.2020 OF VACANCIES (PROVISIONAL AS ON 27.10.2020 SHOWING THE VACANCIES BY 2ND RESPONDENT.
EXHIBIT P11	TRUE COPY OF THE AFFIDAVIT DATED 28.10.2020 EXECUTED BY THE FATHER OF THE PETITIONER.

EXHIBIT P12

**TRUE COPY OF SARAL ISSUED ON 18.09.2020 BY
THE INCOME TAX DEPARTMENT FOR THE CURRENT
YEAR 2020-2021.**

EXHIBIT P13

**TRUE COPY OF REPRESENTATION DATED
27.10.2020 SUBMITTED BY THE PETITIONER
ADDRESSED TO THE 1ST RESPONDENT IS
ACKNOWLEDGED ON THE FATE OF THAT
REPRESENTATION.**