

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 8TH DAY OF JULY 2022 / 17TH ASHADHA, 1944

WP(C) NO. 16839 OF 2022

PETITIONERS:

- 1 KERALA CHRISTIAN PROFESSIONAL COLLEGE MANAGEMENT FEDERATION, REPRESENTED BY THE MANAGING TRUSTEE, M.O.S.C. MEDICAL COLLEGE, KOLENCHERRY-682 311.
- 2 THE DIRECTOR, JUBILEE MISSION MEDICAL COLLEGE & RESEARCH INSTITUTE, TRICHUR-680 006.
- 3 THE DIRECTOR, AMALA INSTITUTE OF MEDICAL SCIENCES, AMALA NAGAR.P.O., THRISSUR - 680555.
- 4 THE SECRETARY, MALANKARA ORTHODOX SYRIAN CHURCH MEDICAL COLLEGE, KOLENCHERRY, ERNAKULAM -682311.
- 5 THE DIRECTOR, PUSHPAGIRI INSTITUTE OF MEDICAL SCIENCES, TIRUVALLA - 68919.

BY ADVS.KURIAN GEORGE KANNANTHANAM (SR.)
THOMAS GEORGE
ALEX GEORGE (CHAMAPPARAYIL)
EBEE ANTONY

RESPONDENTS:

- 1 THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, SCHEDULE CASTES/SCHEDULED TRIBES DEVELOPMENT DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 2 THE SECRETARY TO GOVERNMENT, HEALTH & FAMILY WELFARE DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 3 THE CHIEF SECRETARY, GOVERNMENT OF KERALA, GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 4 UNION OF INDIA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT, NIRMAN BHAVAN, NEW DELHI - 110 011.
- 5 THE COMMISSIONER FOR ENTRANCE EXAMINATIONS,

5TH FLOOR, K.S.H.B. BUILDING,
THIRUVANANTHAPURAM - 695 001.

- 6 THE DIRECTOR, SCHEDULE CASTE DEVELOPMENT
DEPARTMENT, NANDAVANAM, VIKAS BHAVAN.P.O.,
THIRUVANANTHAPURAM - 695 003.
- 7 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER
(TRICHUR DISTRICT), CIVIL STATION, AYYANTHOLE.
P.O., TRICHUR - 680 003.
- 8 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER,
(ERNAKULAM DISTRICT), CIVIL STATION,
KAKKANAD - 682 030.
- 9 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER,
(PATHANAMTHITTA DISTRICT), CIVIL STATION,
PATHANAMTHITTA-689645.

BY ADVS.SRI. MANU S., ASG OF INDIA
SMT.LATHA THANKAPPAN, SPL.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 08.07.2022, ALONG WITH WP(C).18797/2022,
20037/2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WP(C) NO. 16839 OF 2022

-3-

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 8TH DAY OF JULY 2022 / 17TH ASHADHA, 1944

WP(C) NO. 18797 OF 2022

PETITIONERS:

- 1 ALL KERALA SELF FINANCING DENTAL COLLEGE
MANAGEMENT CONSORTIUM, C/O. MAR BASELIOS DENTAL
COLLEGE, KOTHAMANGALAM - 686 691,
(REP. BY ITS SECRETARY).
- 2 MAR BASELIOS DENTAL COLLEGE, REPRESENTED BY ITS
SECRETARY, KOTHAMANGALAM - 686691.
- 3 ST. GREGORIOS DENTAL COLLEGE,
REPRESENTED BY ITS SECRETARY, CHELAD.P.O.
KOTHAMANGALAM - 686681.
- 4 THE CHAIRMAN, INDIRA GANDHI INSTITUTE OF DENTAL
SCIENCES, NELLIKUZHI.P.O., KOTHAMANGALAM - 686691.
- 5 THE CHAIRMAN, AL-AZHAR DENTAL COLLEGE,
PERUMPILLICHIRA.P.O., THODUPUZHA - 685605.
- 6 THE PRINCIPAL, SREE SANKARA DENTAL COLLEGE,
AKATHIMURI, VARKALA,
THIRUVANANTHAPURAM - 695 318.

BY ADVS.

KURIAN GEORGE KANNANTHANAM (SR.)

P.M.SANEER

TONY GEORGE KANNANTHANAM

THOMAS GEORGE

ALEX GEORGE

EBEE ANTONY

RESPONDENTS:

- 1 THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, SCHEDULE CASTES/SCHEDULED TRIBES DEVELOPMENT DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 2 THE SECRETARY TO GOVERNMENT, HEALTH & FAMILY WELFARE DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 3 THE CHIEF SECRETARY, GOVERNMENT OF KERALA, GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 4 UNION OF INDIA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT. NIRMAN BHAVAN, NEW DELHI - 110 011.
- 5 THE COMMISSIONER FOR ENTRANCE EXAMINATIONS, 5TH FLOOR, K.S.H.B. BUILDING, THIRUVANANTHAPURAM - 695 001.
- 6 THE DIRECTOR, SCHEDULE CASTE DEVELOPMENT DEPARTMENT, NANDAVANAM, VIKAS BHAVAN.P.O., THIRUVANANTHAPURAM - 695003.
- 7 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER (TRICHUR DISTRICT), CIVIL STATION, AYYANTHOLE.P.O. TRICHUR - 680 003.
- 8 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER, (ERNAKULAM DISTRICT), CIVIL STATION, KAKKANAD - 682 030.
- 9 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER, (PATHANAMTHITTA DISTRICT), CIVIL STATION, PATHANAMTHITTA-689645.
- 10 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER, MOOLAMATTOM, IDUKKI DISTRICT - 685589.

- 11 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER,
KOZHIKODE DISTRICT, CIVIL STATION,
CALICUT - 673020.
- 12 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER,
CHEMMANMUKKU RAILWAY STATION ROAD,
KOLLAM - 601001.
- 13 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER,
DISTRICT DEVELOPMENT OFFICE, KASARAGODE - 671123.
- 14 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER,
230G+7R5, U.P. HILLS, MALAPPURAM - 676505.
- 15 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER,
THAVAKKARA, KANNUR - 670002.
- 16 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER,
VIKAS BHAVAN, 4TH FLOOR,
THIRUVANANTHAPURAM -695033.
- 17 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER,
KUNATHURMEDU, PALAKKAD - 678013.

BY ADVS. MINI GOPINATH -CGC .
SRI.S.MANU, ASGI,
SMT.LATHA THANKAPPAN, SPL.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 08.07.2022, ALONG WITH WP(C).16839/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

FRIDAY, THE 8TH DAY OF JULY 2022 / 17TH ASHADHA, 1944

WP(C) NO. 20037 OF 2022

PETITIONERS:

- 1 ASSOCIATION OF SELF FINANCING PROFESSIONAL INSTITUTIONS (KERALA), REGN.NO.CA.157, (REPRESENTED BY ITS SECRETARY), ANAND BUILDING, NURANI.P.O. PALAKKAD - 678004.
- 2 THE QUILON MEDICAL TRUST, MYLAPORE, UMayANALLOOR.P.O., KOLLAM-691 020. REPRESENTED BY THE CHAIRMAN & MANAGING TRUSTEE).

BY ADVS.KURIAN GEORGE KANNANTHANAM (SR.)
P.M.SANEER
TONY GEORGE KANNANTHANAM

RESPONDENTS:

- 1 THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, SCHEDULE CASTES/SCHEDULED TRIBES DEVELOPMENT DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 2 THE SECRETARY TO GOVERNMENT, HEALTH & FAMILY WELFARE DEPARTMENT, GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 3 THE CHIEF SECRETARY, GOVERNMENT OF KERALA, GOVT. SECRETARIAT, THIRUVANANTHAPURAM - 695 001.
- 4 UNION OF INDIA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT, NIRMAN BHAVAN, NEW DELHI - 110 011.

- 5 THE COMMISSIONER FOR ENTRANCE EXAMINATIONS,
5TH FLOOR, K.S.H.B. BUILDING,
THIRUVANANTHAPURAM - 695 001.
- 6 THE DIRECTOR, SCHEDULE CASTE DEVELOPMENT
DEPARTMENT, NANDAVANAM, VIKAS BHAVAN.P.O.,
THIRUVANANTHAPURAM - 695 003.
- 7 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER,
MOOLAMATTOM, IDUKKI DISTRICT - 685589.
- 8 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER,
KOZHIKODE DISTRICT, CIVIL STATION,
CALICUT - 673020.
- 9 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER,
CHEMMANMUKKU RAILWAY STATION ROAD,
KOLLAM - 601001.
- 10 THE DISTRICT SCHEDULE CASTE DEVELOPMENT OFFICER,
KUNATHURMEDU, PALAKKAD - 678013.

BY ADVS.SRI.S.MANU, ASGI,
SMT.LATHA THANKAPPAN, SPL.GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 08.07.2022, ALONG WITH WP(C).16839/2022 AND
CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.R.

JUDGMENT

[WP(C) Nos.16839/2022, 18797/2022, 20037/2022]

Various Associations of Managements of Medical and Dental Colleges have filed these three writ petitions, impelling identical factual assertions and seeking similar reliefs.

2. I, therefore, propose to dispose of all these matters together through this judgment; and for the sake of convenience, W.P.(C)No.16839/2022 will be treated as the lead case and all documents and parties reflected in this judgment will be as mentioned therein, unless otherwise specified.

3. I have heard Sri.Kurian George Kannanthanam - learned Senior Counsel, instructed by Sri.P.M.Saneer appearing for the petitioners in these cases; Sri.S.Manu - learned Assistant Solicitor General for the Union of India and Smt.Latha Thankappan - learned Special Government

Pleader.

4. The controversy in these writ petitions is in an extremely confined purlieus.

5. The petitioners, who assert to be the Associations of Managements of Medical and Dental Colleges, say that Government of Kerala, in conjunction with the Government of India, is offering Post Matric Scholarships to the students belonging to Scheduled Castes for their studies.

6. The petitioners contend that certain fixed sums, as per the criterion under the Scholarship Scheme are paid to the students directly, by making credit into their designated Bank Accounts; but that, many a time, these are not transferred by them to the account of the Colleges and thus misappropriated or used for their own private purposes. They say that, therefore, they are being put to unnecessary prejudice and trouble and assert that this could have been easily rectified,

had the Government of Kerala remitted the Scholarship Amounts directly into the account of the Managements, so as to avert the opportunity to misappropriate it, even temporarily.

7. When I heard Sri.Kurian George Kannanthanam - learned Senior Counsel, on the afore lines, I asked Smt.Latha Thankappan - learned Special Government Pleader, about it, to which she replied, saying that going by the Scheme of Scholarship - a copy of which is on record as Ext.P5 - Government of India shoulders 60% of the same and have placed a specific condition that same shall be remitted only into the account of the students and not to that of the Managements. She submitted that, therefore, if the Government of Kerala violates this, then Government of India will withdraw their responsibility under the Scheme and that this would put every eligible student into great prejudice.

8. Sri.Kurian George Kannanthanam - learned Senior Counsel, at this time, intervened to point out that, in fact, Ext.P5 Scheme applies only to those students whose Annual Family Income from all sources does not exceed Rs.2,50,000/-. He submitted that this Scholarship has been offered to the other students also, who are having larger family income, which liability is shouldered by the Government of Kerala themselves; and therefore, that at least with respect to those students, Ext.P5 Scheme would not stand in the way of his clients' request being acceded to.

9. In reply, Smt.Latha Thankappan affirmed the afore, but submitted that this would give rise to two categories of students, one who receives the Scholarship into their designated accounts and the other who would obtain it only by credit into the account of the Managements. She submitted that she leaves it to this Court to take an apposite

decision in this regard.

10. For the purpose of clarity and certainty on the afore aspects, I asked Sri.S.Manu - learned Assistant Solicitor General, whether Government of India would shoulder the responsibility under Ext.P5 Scheme even for a student whose Annual Family Income exceeds Rs.2,50,000/-; and whether they would consider the payment of Scholarship into the Bank Accounts of the Management, rather than being credited into the students' Accounts.

11. Sri.S.Manu responded, after obtaining instructions from the competent Authority, that Ext.P5 Scheme was propounded with great amount of care and thought; and therefore, none of its conditions can be varied or modified. In other words, his stand was that the Union of India will not shoulder any responsibility for the Scholarship under Ext.P5 with respect to any student whose Annual Family Income is over

Rs.2,50,000/-; and that the amount of Scholarship eligible to such students will have to be credited into their own accounts.

12. When I assess the afore submissions, it becomes indubitable that this Court cannot pass orders in modification of Ext.P5 Scheme, in any manner whatsoever.

Resultantly, this Court can only allow these writ petitions in the following manner, which I do:

(a) Government of Kerala will remit the applicable Scholarship amount to the students whose Annual Family Income is Rs.2,50,000/- or less into their designated accounts; but will ensure, through a properly constituted mechanism, that said amounts are paid by them into the accounts of the Colleges/Managements within a period of one week or so thereafter.

(b) As far as those students whose Annual

Family Income is more than Rs.2,50,000/- and if they are paid Scholarship either under Ext.P5 or under any other Scheme by the Government of Kerala, they will remit the said amount into the account of the Managements/Colleges directly; however, intimating the students of such credit immediately thereupon.

Needless to say, since the afore directions have been issued within the scope of the limited contentions as noticed above, every other contention is left open to be pursued by the petitioners, if it becomes so necessary in future.

**Sd/-
DEVAN RAMACHANDRAN
JUDGE**

akv

APPENDIX OF WP(C) 18797/2022

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE LIST OF MEMBERS OF THE
1ST PETITIONER.
- EXHIBIT P2 TRUE COPY OF THE ORDER G.O.(RT)NO.2497/
2016/H&FWD DATED 6-9-2016 OF THE
GOVERNMENT OF KERALA
- EXHIBIT P3 TRUE COPY OF THE LETTER DATED 1-1-2022
ISSUED BY THE 6TH RESPONDENT.
- EXHIBIT P4 TRUE COPY OF THE GUIDE LINES FOR POST
MATRIC SCHOLARSHIPS TO THE STUDENTS
BELONGING TO SCHEDULED CASTES FOR
STUDIES IN INDIA 2020-21 TO 2025-26.

RESPONDENT'S/S EXHIBITS : NIL.

//TRUE COPY//
P.A. TO JUDGE

APPENDIX OF WP(C) 20037/2022

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE CERTIFICATE OF REGISTRATION NO.CA.157 OF 2008.
- EXHIBIT P2 TRUE COPY OF THE LIST OF MEMBERS OF THE 1ST PETITIONER.
- EXHIBIT P3 TRUE COPY OF THE CERTIFICATE DATED 11-3-2014 ISSUED BY THE NATIONAL COMMISSION IN FAVOUR OF THE 2ND PETITIONER'S COLLEGE.
- EXHIBIT P4 TRUE COPY OF THE RELEVANT PORTION ORDER G.O.(RT)NO.2520/2016/ H&FWD DATED 7-9-2016 ISSUED BY THE GOVERNMENT.
- EXHIBIT P5 TRUE COPY OF THE LETTER DATED 1-1-2022 ISSUED. BY THE 6TH RESPONDENT.
- EXHIBIT P6 TRUE COPY OF THE GUIDE LINES FOR POST MATRIC SCHOLARSHIPS TO THE STUDENTS BELONGING TO SCHEDULED CASTES FOR STUDIES IN INDIA 2020-21 TO 2025-26.

RESPONDENT'S/S EXHIBITS : NIL.

//TRUE COPY//
P.A. TO JUDGE

APPENDIX OF WP(C) 16839/2022

PETITIONER EXHIBITS

- EXHIBIT P1 TRUE COPY OF THE ORDER G.O.(RT)NO.1814/
2012/ H&FWD DATED 31-5-2012 OF HEALTH &
FAMILY WELFARE (S) DEPARTMENT.
- EXHIBIT P2 TRUE COPY OF THE ORDER G.O.(RT)NO.1623/2015
/H&FWD DATED 30-5-2015 OF HEALTH & FAMILY
WELFARE (S) DEPARTMENT.
- EXHIBIT P3 TRUE COPY OF THE LETTER NO. SCDD/10721/
2021- B1(EDN B) DATED 1-1-2022.
- EXHIBIT P4 TRUE COPY OF THE LETTER NO.E4-13578/21
DATED NIL. ISSUED BY ASST. DISTRICT
SCHEDULE CASTE DEVELOPMENT OFFICER,
ERNAKULAM.
- EXHIBIT P5 TRUE COPY OF THE TRUE COPY OF THE
GUIDELINES FOR POST MATRIC SCHOLARSHIPS TO
THE STUDENTS BELONGING TO SCHEDULE CASTES
FOR STUDIES IN INDIA 2020-21 TO 2025-26.
- EXHIBIT P6 TRUE COPY OF THE REPRESENTATION DATED 20-4
2022 SUBMITTED BY THE 2ND PETITIONER TO THE
GOVERNMENT.
- EXHIBIT P7 TRUE COPY OF THE CHART SHOWING THE ANNUAL
FAMILY INCOME OF THE SC CANDIDATES ADMITTED
IN OUR COLLEGE IN THE YEAR 2021 BATCH

RESPONDENT'S/S EXHIBITS : NIL.

**//TRUE COPY//
P.A. TO JUDGE**