

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

WEDNESDAY, THE 23RD DAY OF AUGUST 2023 / 1ST BHADRA, 1945

WP(C) NO. 28000 OF 2023

PETITIONER/S:

ZULU HARIS, AGED 19 YEARS
D/O DR ARIF MOHAMMED HARIS A.S, ZULU VEEDU,
KAILAS GARDEN, SREEKARIYAM.P.O,
THIRUVANANTHAPURAM,, PIN - 695017
BY ADV JESTIN MATHEW

RESPONDENT/S:

- 1 UNION OF INDIA
REPRESENTED BY THE SECRETARY, MINISTRY OF HEALTH
AND FAMILY WELFARE, NIRMAN BHAVAN, NEW DELHI,,
PIN - 110077
- 2 STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, HEALTH & FAMILY WELFARE, GOVERNMENT
SECRETARIAT THIRUVANANTHAPURAM, PIN - 695001
- 3 COMMISSIONER FOR ENTRANCE EXAMINATIONS, (CEE).
OFFICE OF THE COMMISSIONER FOR ENTRANCE
EXAMINATIONS, 7TH FLOOR, KSRTC BUS TERMINAL
COMPLEX, THAMBANOOR, THIRUVANANTHAPURAM, PIN -
695001
BY ADVS.
ADVOCATE GENERAL OFFICE KERALA
SRI.P.G.PRAMOD, GOVERNMENT PLEADER(GP-50)

OTHER PRESENT:

SRI. S.MANU, DSGI, SRI. P.G. PRAMOD, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23.08.2023, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

W.P.(C) No. 28000 of 2023

Dated this the 23rd day of August, 2023

JUDGMENT

The above writ petition is filed with following prayers:

“i. issue writ of certiorari or any other appropriate writ order or direction quashing Ext.P13 order issued by the 3rd respondent.

ii. issue a writ of mandamus on any other appropriate writ order or direction directing the 3rd respondent to include the petitioner's name in the final category list of KEAM 2023 as the last name of the existing list prepared by the 3rd respondent forthwith.

iii. issue such other appropriate writ or order or direction as this Honourable Court may deem fit and proper to grant on the facts and circumstances of the case.

iv. To dispense with the filing of English translations of the vernacular documents.” (sic)

2. The petitioner is aggrieved by Ext.P13 order. It is the case of the petitioner that in the absence of any stipulation in the prospectus about the mandatory submission of NEET score card within the prescribed time limit, the non inclusion of the petitioner's name in the final category list of KEAM 2023 is illegal. The

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petitioner earlier approached this Court by filing WP(C) No.25006 of 2023. That writ petition was disposed of by this Court as per Ext.P12 judgment. It will be better to extract the relevant portion of the above judgment.

“3. Heard the learned counsel appearing for the petitioner, the learned DSGI and the learned Government Pleader.

4. Without expressing any opinion on merit, there can be a direction to the 3rd respondent to consider and pass appropriate orders in Ext.P11, forthwith.

Therefore, this writ petition is disposed of in the following manner:

- i. The 3rd respondent is directed to consider and pass appropriate orders in Ext.P11, as expeditiously as possible, at any rate, within a period of one week from the date of receipt of a certified copy of this judgment.
- ii. Petitioner will produce a certified copy of this judgment along with a copy of the writ petition before the 3rd respondent for compliance.

3. Thereafter, the 3rd respondent considered the matter and passed Ext.P13 order. It will be better to extract the relevant portion of Ext.P13 also here:

“Vide Notifications read as 4th and 5th above, the candidates who have appeared NEET(UG) 2023 and opting for admission to Medical and Medical allied Courses were directed to submit online their NEET(UG) 2023 result details for preparing the Rank list. Appropriate publicity was ensured in the matter by releasing Press Releases which were covered extensively in the press as done for all such matters related to allotments. The Rank list for Medical and Medical allied Courses was published on 20.07.2023. Following this, the category list has been published on 27.07.2023. The first phase allotment for admission to MBBS and BDS Courses has been published on 03.08.2023. At this stage, allowing of submission of the NEET score afresh cannot be considered as it causes changes in the published rank list and will disrupt the allotment process, which will cause hardship to all the candidates taking part in the process. The same will also result in noncompliance with the counseling schedule which has been published by National Medical Commission, read as 6 the paper above. As per this Schedule, the admission process has to be completed before 30th September 2023.

In these circumstances, the submission in the representation submitted by Kum. Zulu Haris cannot be considered and hence, is rejected. The direction of the Hon'ble High Court is complied with accordingly.”

4. Heard the counsel for the petitioner and the Government

Pleader.

5. It is true that there is some grievance from the side of the petitioner. But when an admission process is going on, it is not proper on the part of this Court to interfere in the admission process. I see no reason to interfere with Ext.P13 order. Therefore, this writ petition fails and accordingly dismissed.

But I make it clear that respondents shall make specific mention in the prospectus in future regarding the uploading of NEET score card also.

sd/-

**P.V.KUNHIKRISHNAN
JUDGE**

das

APPENDIX OF WP(C) 28000/2023

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE SCORE CARD IN THE NATIONAL ELIGIBILITY CUM ENTRANCE TEST (UG)-2023 DATED 13/06/2023
- Exhibit P2 A TRUE COPY OF THE PETITIONER'S APPLICATION ACKNOWLEDGEMENT KEAM 2023 DATED 25.03.2023 OF THE OFFICE OF THE 3RD RESPONDENT
- Exhibit P3 A TRUE COPY OF THE PROSPECTUS DATED 16.03.2023 FOR ADMISSION TO PROFESSIONAL DEGREE COURSES WITHOUT ANNEXURES
- Exhibit P4 A TRUE COPY OF THE CENTRAL BOARD OF SECONDARY EDUCATION, MARKS STATEMENT CUM CERTIFICATE, SECONDARY SCHOOL EXAMINATION-2020 DATED 15.07.2020
- Exhibit P5 A TRUE COPY OF THE CENTRAL BOARD OF SECONDARY EDUCATION MARKS STATEMENT CUM CERTIFICATE SENIOR SCHOOL CERTIFICATE EXAMINATION, 2022 DATED 22.07.2022
- Exhibit P6 A TRUE COPY OF THE MINORITY CERTIFICATE DATED 17.03.2023 ISSUED FROM THE TAHASILDAR, THIRUVANANTHAPURAM TALUK OFFICE
- Exhibit P7 A TRUE COPY OF THE NON-CREAMY LAYER CERTIFICATE DATED 17.03.2023 ISSUED BY THE VILLAGE OFFICER, PALLIPPURAM
- Exhibit P8 A TRUE COPY OF THE INCOME CERTIFICATE DATED 15.03, .2023 ISSUED BY THE VILLAGE OFFICER PALLIPURAM
- Exhibit P9 A TRUE COPY OF THE NON-CREAMY LAYER CERTIFICATE DATED 25.03.2023 ISSUED TO THE PETITIONER BY THE TAHASILDAR, THIRUVANANTHAPURAM
- Exhibit P10 A TRUE COPY OF THE PETITIONER'S AADHAAR CARD NO.710556568742
- Exhibit P11 A TRUE COPY OF THE REQUEST DATED 29.07.2023 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT
- Exhibit P12 A TRUE COPY OF THE JUDGMENT DATED 01.08.2023 IN WP(C) NO.25006/2023
- Exhibit P13 A TRUE COPY OF THE ORDER DATED 09.08.2023 ISSUED BY THE 3RD RESPONDENT