

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

Monday, the 2<sup>nd</sup> day of August 2021 / 11th Sravana, 1943

WP(C) NO. 12412 OF 2021

PETITIONERS:

1. SALVIA HUSSAIN (MINOR), AGED 17 YEARS, REPRESENTED BY HER FATHER K.HUSSAIN, K.K.HOUSE, KOOTTIKADA.P.O, THATTAMALA, KOLLAM-691020. (STUDYING IN STANDARD XII, NATIONAL PUBLIC SCHOOL, MUKHATHALA.P.O, KOLLAM).
2. SIBI WILSON (MINOR), AGED 17 YEARS, REPRESENTED BY HIS FATHER WILSON V.SAMUEL, REBOBOTH BHAVAN, KEDIKA, KAITHAPARAMP.P.O, PATHANAMTHITTA-691526. (STUDYING IN STANDARD XII, PADMASREE CENTRAL SCHOOL, ENATH, PATHANAMTHITTA)
3. KERALA C.B.S.E.SCHOOL MANagements ASSOCIATION, REPRESENTED BY ITS GENERAL SECRETARY P.S.RAMACHANDRAN PILLAI,PENTA TOWER, KALOOR,KOCHI-682017.

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY, HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM - 695001.
2. THE COMMISSIONER OF ENTRANCE EXAMINATIONS, OFFICE OF THE COMMISSIONER OF ENTRANCE EXAMINATIONS, HOUSING BOARD BUILDINGS, SANTHI NAGAR, THIRUVANANTHAPURAM - 695001.
3. THE DIRECTOR OF HIGHER SECONDARY EDUCATION, OFFICE OF THE DIRECTOR OF HIGHER SECONDARY EDUCATION, HOUSING BOARD BUILDINGS, SANTHI NAGAR, THIRUVANANTHAPURAM-695001.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to issue an interim direction to the 2nd respondent to prepare the rank list for admission to professional course purely on the basis of the marks secured by the candidates in the entrance examination conducted by the 2nd respondent pending disposal of the Writ Petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S P.MOHANDAS (ERNAKULAM), K.SUDHINKUMAR, S.K.ADHITHYAN, SABU PULLAN, GOKUL D. SUDHAKARAN Advocates for the petitioners and of ASOK M.CHERIAN, ADDITIONAL ADVOCATE GENERAL for the respondents, the court passed the following:

**P.B.SURESH KUMAR, J.**

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**W.P.(C) Nos.12412, 12788 and 14996 of 2021**  
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**Dated this the 2<sup>nd</sup> day of August, 2021.**

**ORDER**

Some of the issues arising for consideration in these matters are common.

2. On 22.07.2021, this court passed the following interim order in W.P.(C) No.12412 of 2021;

“This writ petition is being adjourned from time to time by the Government Pleaders appearing in the matter pointing out that the learned Additional Advocate General is instructed to appear in this matter and he is yet to get instructions in the matter. The prayer of the petitioners for interim order could not, therefore, be considered all throughout, though insistence was made in this regard by the learned Senior Counsel appearing for the petitioners.

2. When this writ petition was taken up today, Sri.Asif M.A., the Special Government Pleader appeared for the respondents and informed that he is instructed to appear in the matter. It was pointed out by him that the entrance examination would take place only on 05.08.2021 and he would obtain

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instructions, at any rate, before the said date for considering the prayer of the petitioners for interim order. It was also pointed out by him that having regard to the nature of the case, a statement cannot be filed in this matter and the respondents need to file a counter affidavit. It was assured by the learned Special Government Pleader that if possible, the counter affidavit of the respondents would be filed before the next hearing date. The submissions made by the learned Special Government Pleader are recorded.

List this matter on 02.08.2021.”

Despite the assurance given, a counter affidavit is not seen filed in the matter. The learned Additional Advocate General submits that the Government is contemplating a decision on the issues raised in the writ petition and the same will be taken as expeditiously as possible.

3. The submission made by the learned Additional Advocate General is recorded. Having regard to the facts and circumstances of the case, there will be an interim order directing the Commissioner for Entrance Examinations to refrain from publishing the rank lists for admission to the professional

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courses pursuant to the notification dated 31.05.2021 without further orders in these matters.

List these matters next week.

Sd/-

**P.B.SURESH KUMAR, JUDGE**

YKB

