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**(2007) 02 KL CK 0068**

**High Court Of Kerala**

**Case No:** Writ Petition (C) No. 18381 of 2006

Aneesh Haridas

APPELLANT

Vs

University of Kerala and Others

RESPONDENT

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**Date of Decision:** Feb. 15, 2007

**Acts Referred:**

- Constitution of India, 1950 - Article 14

**Citation:** AIR 2007 Ker 191

**Hon'ble Judges:** C.N. Ramachandran Nair, J

**Bench:** Single Bench

**Advocate:** G.S. Reghunath and Basant Balaji, for the Appellant; S. Gopakumaran Nair, S.C., for the Respondent

**Final Decision:** Allowed

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### **Judgement**

@JUDGMENTTAG-ORDER

C.N. Ramachandran Nair, J.

Petitioner completed his schooling in Tamil Nadu. He failed in the 12th standard examination in Mathematics. After applying for writing the SAY (Save An Year) Examination, he wrote the Entrance Examination in Kerala for admission to engineering courses, However, by the time admissions were given, result of the SAY Examination was published and the petitioner got 50% marks in the failed subject making him eligible for admission to engineering course. Petitioner was admitted in the third respondent college for engineering course in the year 2005-06 and after he wrote the first year (Semester I and II) examinations, University declined permission to the petitioner to take practical examination on the ground that petitioner was ineligible to join the engineering course for the year 2005-06 for the reason that failed students are entitled to take the entrance examination only after writing SAY Examination, which in Kerala was held prior to the entrance examination. However, since the SAY Examination in Tamil Nadu was held subsequent to Entrance

Examination held in Kerala, petitioner was ineligible to write the entrance examination, even though he was permitted to write the examination is the case of the University. Learned Counsel for the University has relied on Clause XX of the Rules for admission to affiliated colleges, which says that

Candidates who have passed SAY Examination of other State Boards are not eligible for admission during the same year.

It is obvious from the above that petitioner's admission is objected for the reason that he has passed his qualifying examination i.e. class XII by writing SAY examination from "other State Board" in the year 2005-2006 and therefore cannot join for engineering course in Kerala in the same year. In other words, petitioner could join engineering course in Kerala only in 2006-2007. However, it is conceded that students from Kerala who failed in the XIIth examination and passed in SAY Examination conducted in the same year are eligible for admission to Engineering courses during the same year itself. This is a case of clear discrimination between students who write SAY Examination in Kerala and in other State Boards. Therefore the above provision in the admission Regulations has to be declared as violative of Article 14 of the Constitution, and I do so. In other words, it is declared that students from other State Boards who qualify for admission based on the result of SAY Examination are entitled for engineering and other graduate degree courses in Kerala in the same way as students from Kerala who take SAY Examination in Kerala and became eligible for admission in the same year. In the circumstance, there will be a direction to the respondents to treat the admission given to the petitioner as regular and proper and publish his withheld result and allow him to continue his course.

2. This writ petition is allowed as above.