

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

Wednesday, the 20<sup>th</sup> day of July 2022 / 29th Ashadha, 1944  
WP(C) NO. 26534 OF 2021(N)

PETITIONERS:

1. NIMAL JAMES, AGED 20 YEARS, S/O. JAMES VARGHESE, PUTHUPARAMBIL HOUSE, CHENGAROTH P.O. 7 VILLAGE, PERUANNAMOOZHI KOYILANDI TALUK, KOZHIKODE DISTRICT, PIN-673 528. AND OTHERS.

RESPONDENTS:

1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO HEALTH AND FAMILY WELFARE DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM, PIN-695 001. AND OTHERS.

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 direct the respondents 5 to 15 not to oust the petitioners from the respective Self-financing medical colleges for nonpayment fees, till the disposal of the writ petition.

This petition again coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and this court's order dated 05.07.2022 and upon hearing the arguments of SRI. V.SETHUNATH, Advocate for the petitioners, GOVERNMENT PLEADER for R1, R2, R4 and R16, SRI.R.T.PRADEEP, Advocate for R3, SRI. KURIAN GEORGE KANNANTHANAM, Senior Advocate along with SRI. TONY GEORGE KANNANTHANAM, Advocate for R5 and R8, M/S. ARUN.B.VARGHESE, AISWARYA V.S. and VARNA MANOJ, Advocates for R6, M/S. ANEESH JAMES, JIJO THOMAS and M.D.BEENA, Advocates for R7, SRI. BABU KARUKAPADATH, Advocate for R10, SRI. WAZHIM, Advocate for R10 and of SRI.S.SREEKUMAR, Advocate for R11, the court passed the following:

p.t.o

**DEVAN RAMACHANDRAN, J.**

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**W.P.(C)Nos.12178/2019, 12200/2019 & 26534/2021**

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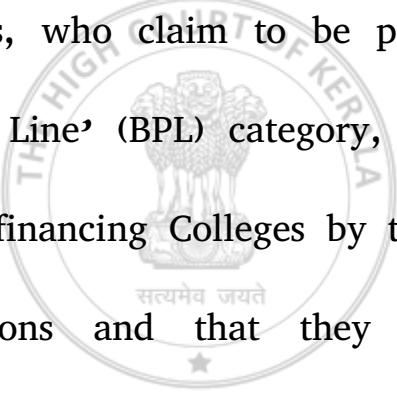
Dated this the 20<sup>th</sup> day of July, 2022

**O R D E R**

I have heard these matters in detail today.

During the hearing, certain pertinent issues came up which require to be clarified by the Government.

The petitioners, who claim to be persons belonging to the 'Below Poverty Line' (BPL) category, say that they were allotted to the Self-financing Colleges by the Commissioner of Entrance Examinations and that they had accepted the allotment based on their own preference under the impression that they are entitled to scholarship, but that same has now been withdrawn on account of certain judgments/orders issued by this Court. They say that, therefore, they have now been left unable to pay the tuition fees and being threatened with expulsion from the College.



The seal of the High Court of Kerala is circular. It features an emblem at the top with a lion and a unicorn flanking a shield. Below the emblem, the text 'THE HIGH COURT OF KERALA' is written in a circular border. At the bottom, the motto 'सत्यमेव जयते' is written in Devanagari script, with a small star to the right.

Without entering into the merits of the contentions at this stage affirmatively, I deem it necessary that the Government inform this Court about the following aspects:

- a) How can a 'BPL' student be asked to pay fees in the Self-financing Colleges even on a subsidized rate because the factum of the candidate being included under the BPL Category incapacitates him/her from doing so.
  
- b) Since the scholarship has been withdrawn, how does the Government propose to protect the BPL students, including by either meeting their tuition fees and other expenses, or transferring them to Government Colleges, so that they can study without fees.

Of course, it is certainly available to the Government to verify whether each of the students, in fact, falls under the BPL Category and the questions above are qua only to those students who fall within that category.

The Government will respond to these queries within the next posting date.

Needless to say, the earlier interim orders, if any, granted by this Court in these matters will continue until further orders.

Post on 09.08.2022.

Sd/-

**DEVAN RAMACHANDRAN,**

RR/20.07.2022

**JUDGE**

