



2024/KER/37151

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ZIYAD RAHMAN A.A.

TUESDAY, THE 4TH DAY OF JUNE 2024 / 14TH JYAISHTA, 1946

WP (C) NO. 20003 OF 2024

PETITIONER:

JEWEL ROSHAN T.
AGED 18 YEARS
S/O T. SETHUNATH, RESIDING AT THAMBRERI,
PUTHAN PEEDIKA, NEDUVA P.O, TIRURANGADI,
MALAPPURAM DISTRICT., PIN - 676303

BY ADVS.
ADITHYA RAJEEV
S.PARVATHI
SAFA NAVAS

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY SECRETARY, MINISTRY OF SOCIAL JUSTICE
AND EMPOWERMENT, NEW DELHI, PIN - 110011
- 2 STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT ANNEX,
THIRUVANANTHAPURAM, PIN - 695001
- 3 THE COMMISSIONER FOR ENTRANCE EXAMINATIONS
7TH FLOOR, KSRTC BUS TERMINAL COMPLEX, .
THIRUVANANTHAPURAM, PIN - 695001

BY ADV
ADV NISHA BOSE - GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
04.06.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



JUDGMENT

The relief sought by the petitioner is to permit him to attend KEAM 2024 examination conducted by the 3rd respondent with the help of a scribe. Ext.P4 document would show that he has a permanent physical disability to the extent of 90%, and therefore, in the absence of a scribe, it is not possible to attend the examination. The writ petition was submitted in such circumstances.

2. The relief sought by the petitioner was opposed by the learned Government Pleader on the ground that, if at all the same is allowed, the scribe has to be someone who has yet to complete the 10th standard. However, the learned counsel for the petitioner points out that, considering the peculiar nature of the subjects dealt with and the manner in which examination is conducted for KEAM, it may not be possible to attend the examination with the help of a person who had not completed the 10th standard. The learned counsel also brought to the notice of this Court, Ext.P21 guidelines issued by the Ministry of Social Justice and Empowerment in this regard, wherein Clause VI specifically provides the qualification of a scribe, and it reads



as follows:

“VI. In case the examining body provides the scribe/reader/lab assistant, it shall be ensured that qualification of the scribe should not be more than the minimum qualification criteria of the examination. However, the qualification of the scribe/reader should always be matriculate or above.

In case the candidate is allowed to bring his own scribe, the qualification of the scribe should be one step below the qualification of the candidate taking examination. The persons with benchmark disabilities opting for own scribe/reader should submit details of the own scribe as per proforma at APPENDIX-II.”

It is also seen from Ext.P23 Government Order that sanction has been accorded for the implementation of the guidelines formulated by the Government of India as evidenced by Ext.P21, in toto. Thus, in the light of Clause VI of Ext.P21, the scribe should always be a matriculate or above. In the light of Ext.P21, which was implemented as per Ext.23 by the Government, it is only proper that, the petitioner be permitted to engage a scribe, in tune with the qualifications stipulated in Clause VI of Ext.P21, i.e, a person who completed matriculation and had not completed 12th standard.

3. Therefore, this writ petition is disposed of directing respondent No.3 to permit the petitioner to attend the examination through the help of a scribe who has the qualification referred to above, i.e. a matriculate and had not



completed 12th standard. The necessary declaration, along with required documents showing the qualification of the scribe with his personal details, shall be submitted by the petitioner on 05.06.2024 itself. Thereupon, the same shall be acted upon, and necessary orders to enable the petitioner to attend the examination, with the help of a scribe, shall be issued forthwith. Taking note of the peculiar nature of disability of the petitioner, there shall be a further direction that, the mother of the petitioner shall be permitted to be present near the examination hall when the examination is being conducted. However, it is clarified that the mother shall not enter the examination hall unless she is permitted to do so by the person in charge of the examination when there are extreme circumstances owing to any medical emergency.

Sd/-

**ZIYAD RAHMAN A.A.
JUDGE**

SCS

APPENDIX OF WP(C) 20003/2024

PETITIONER EXHIBITS

- Exhibit-P1 A TRUE COPY OF THE REPORT OF HISTOPATHOLOGICAL EXAMINATION, DATED 29.12.2007, ISSUED BY NATIONAL INSTITUTE OF MENTAL HEALTH AND NEURO SCIENCES, BANGALORE
- Exhibit-P2 A TRUE COPY OF THE GENETIC REPORT DATED 23.01.2008 ISSUED BY THE DEPARTMENT OF GENETIC MEDICINE, SIR GANGA RAM HOSPITAL, NEW DELHI
- Exhibit-P3 A TRUE COPY OF THE GENETIC REPORT DATED 30.12.2017, ISSUED BY THE DEPARTMENT OF GENETIC MEDICINE, SIR GANGA RAM HOSPITAL, NEW DELHI
- Exhibit-P4 A TRUE COPY OF THE STANDING DISABILITY ASSESSMENT BOARD CERTIFICATE DATED 30-03-2017 ISSUED BY THE STANDING DISABILITY ASSESSMENT BOARD AT GOVERNMENT TALUK HEADQUARTERS HOSPITAL, TIRURANGADI, MALAPPURAM
- Exhibit-P5 A TRUE COPY OF THE UNIQUE DISABILITY IDENTITY CARD ISSUED ON 01-12-2023, ISSUED BY THE DISTRICT MEDICAL OFFICER, MALAPPURAM
- Exhibit-P6 A TRUE COPY OF THE COMMUNICATION DATED 26.11.2021 ISSUED BY THE SECTION OFFICER (EXAM), CENTRAL BOARD OF SECONDARY EDUCATION TO THE PRINCIPAL, THE WHITE SCHOOL, KADALUNDI NAGARAM P.O, MALAPPURAM DISTRICT
- Exhibit-P7 A TRUE COPY OF THE MARK STATEMENT CUM CERTIFICATE DATED 22.07.2022 ISSUED BY THE CONTROLLER OF EXAMINATION, CENTRAL BOARD OF SECONDARY EDUCATION
- Exhibit-P8 A TRUE COPY OF THE COMMUNICATION DATED 19-01-2024 ISSUED BY THE REGIONAL DIRECTOR OF THE CBSE TO THE PRINCIPAL, THE WHITE SCHOOL, MALAPPURAM
- Exhibit-P9 A TRUE COPY OF THE EXAMINATION RESULTS OF THE SENIOR SCHOOL CERTIFICATE EXAMINATION (CLASS XII) RESULTS 2024 OBTAINED FROM THE OFFICIAL WEBSITE OF THE CBSE (WWW.CBSERESULTS.NIC.IN)
- Exhibit-P10 A TRUE COPY OF THE RELEVANT PAGES OF THE PROSPECTUS FOR ADMISSION TO PROFESSIONAL DEGREE COURSES [MEDICAL, AGRICULTURE, VETERINARY, FISHERIES, ENGINEERING, ARCHITECTURE, AND PHARMACY COURSES], 2024 APPROVED BY THE 2ND RESPONDENT



- Exhibit-P11 A TRUE COPY OF THE APPLICATION ACKNOWLEDGMENT- KEAM 2024 ISSUED BY THE OFFICE OF THE 3RD RESPONDENT (APPLICATION NO. 21243245) DATED 14-04-2024
- Exhibit-P12 A TRUE COPY OF THE REPRESENTATION DATED 09-05-2024 SUBMITTED BY THE PETITIONER'S FATHER BEFORE THE 3RD RESPONDENT
- Exhibit-P13 A TRUE COPY OF THE COMMUNICATION DATED 16-05-2024 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
- Exhibit-P14 A TRUE COPY OF THE CERTIFICATE REGARDING PHYSICAL LIMITATION IN AN EXAMINEE TO WRITE DATED 23-11-2023 ISSUED BY MEDICAL CONSULTANT, DISTRICT HOSPITAL, TIRUR
- Exhibit-P15 A TRUE COPY OF THE CERTIFICATE REGARDING PHYSICAL LIMITATION IN AN EXAMINEE TO WRITE DATED 19-08-2023 ISSUED BY CIVIL SURGEON, CHC NEDUVA
- Exhibit-P16 A TRUE COPY OF THE E-MAIL COMMUNICATION DATED 20-05-2024 SUBMITTED BY THE PETITIONER'S FATHER BEFORE THE 3RD RESPONDENT
- Exhibit-P17 A TRUE COPY OF THE ORDER DATED 31-05-2024 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER
- Exhibit-P18 A TRUE COPY OF THE REPRESENTATION DATED 31-05-2024 SUBMITTED BY THE PETITIONER'S FATHER TO THE 3RD RESPONDENT
- Exhibit-P19 A TRUE COPY OF THE EMAIL COMMUNICATION SENT BY THE PETITIONER'S FATHER TO THE 3RD RESPONDENT DATED 01-06-2024
- Exhibit-P20 A TRUE COPY OF THE OFFICE MEMORANDUM DATED 26-02-2013 ISSUED BY THE DEPARTMENT OF DISABILITY AFFAIRS, MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT, GOVERNMENT OF INDIA
- Exhibit-P21 A TRUE COPY OF THE OFFICE MEMORANDUM DATED 29-08-2018 ISSUED BY THE DEPARTMENT OF EMPOWERMENT OF PERSONS WITH DISABILITIES (DIVYANGJAN), MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT, GOVERNMENT OF INDIA
- Exhibit-P22 A TRUE COPY OF THE OFFICE MEMORANDUM DATED 10-08-2022 ISSUED BY THE DEPARTMENT OF EMPOWERMENT OF PERSONS WITH DISABILITIES (DIVYANGJAN), MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT, GOVERNMENT OF INDIA
- Exhibit-P23 A TRUE COPY OF G.O (MS) NO. 196/2022/GEDN DATED 25-10-2022 ISSUED BY THE 2ND RESPONDENT



- Exhibit-P24 A TRUE COPY OF THE CIRCULAR DATED 26-09-2018 ISSUED BY THE CENTRAL BOARD OF SECONDARY EDUCATION
- Exhibit-P25 A TRUE COPY OF THE INTERIM ORDER DATED 23-01-2024 IN W.P.(C) NO. 2263 OF 2024 OF THIS HON'BLE COURT
- Exhibit-P26 A TRUE COPY OF THE JUDGMENT DATED 20-02-2024 IN W.P.(C) NO. 2263 OF 2024 OF THIS HON'BLE COURT
- Exhibit-P27 A TRUE COPY OF THE INTERIM ORDER DATED 01-04-2024 IN W.P(C) NO. 12938 OF 2024 OF THIS HON'BLE COURT
- Exhibit-P28 A TRUE COPY OF ADMIT CARD ISSUED ON 31-05-2024 BY THE 3RD RESPONDENT