



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE MURALEE KRISHNA S.

TUESDAY, THE 6<sup>TH</sup> DAY OF JANUARY 2026 / 16TH POUSHA, 1947

WA NO. 1550 OF 2025

AGAINST THE JUDGMENT DATED 30.01.2025 IN WP(C) NO.31971 OF  
2024 OF HIGH COURT OF KERALA

APPELLANT/2<sup>nd</sup> RESPONDENT:

THE ADMISSION SUPERVISORY COMMITTEE FOR MEDICAL EDUCATION IN KERALA, T.C. 15/1553-4, PRASANTHI BUILDINGS, M.P APPAN ROAD, VAZHUTHACAUD, THIRUVANANTHAPURAM - 695014, REPRESENTED BY ITS CHAIRMAN

BY ADV SMT.MARY BENJAMIN, SC, ADMISSION SUPERVISORY COMMITTEE FOR PROF. COLLEGES

RESPONDENTS/PETITIONER AND RESPONDENTS 1, 3 AND 4:

- 1 KARTHIK DEV R  
AGED 20 YEARS  
S/O. LATE RAVEENDRAN NAIR, RESIDING AT KARTHIKEYAM,  
POREDAM P.O., CHADAYAMANGALAM, KOLLAM DISTRICT, PIN - 691534
- 2 KERALA UNIVERSITY OF HEALTH SCIENCES  
MULAMKUNNATHUKAVU, MEDICAL COLLEGE P.O., THRISSUR DISTRICT - 680596, REPRESENTED BY THE REGISTRAR
- 3 THE PRINCIPAL  
SANTHIGIRI AYURVEDA MEDICAL COLLEGE, OLASSERY,  
KODUMBA, PALAKKAD DISTRICT, PIN - 678551
- 4 THE COMMISSIONER FOR ENTRANCE EXAMINATIONS



OFFICE OF THE COMMISSIONER FOR ENTRANCE EXAMINATIONS,  
5TH FLOOR, HOUSING BOARD BUILDING, SHANHI NAGAR,  
THIRUVANANTHAPURAM, PIN - 695001

BY ADVS.

SMT.NISHA GEORGE

SHRI.BINNY THOMAS, SC, KERALA UNIVERSITY OF HEALTH SCIENCES

SRI.K.C.SANTHOSHKUMAR

SHRI.P.SREEKUMAR (SR.)

SRI.GEORGE POONTHOTTAM (SR.)

SMT.K.K.CHANDRALEKHA

THIS WRIT APPEAL WAS FINALLY HEARD ON 24.11.2025, THE COURT  
ON 06.01.2026 PASSED THE FOLLOWING:



## **JUDGMENT**

### **Muralee Krishna, J.**

The preliminary point we answer by this order is the maintainability of this writ appeal, in view of the challenge raised by the 1<sup>st</sup> respondent regarding the entitlement of the appellant Admission Supervisory Committee (the 'Committee' for short) to file the appeal, contending that the appellant being a statutory body constituted under the Kerala Medical Education (Regulation and Control of Admission to Private Medical Educational Institutions) Act, 2017 ('Act 15 of 2017' for short), cannot be considered as the aggrieved person.

2. The facts which led to the filing of W.P.(C)No.31971 of 2024, from which the present writ appeal has arisen, are as under:

2.1. The 1<sup>st</sup> respondent - writ petitioner appeared for the National Eligibility Cum Entrance Test (UG) -2023 and scored 105 marks in the said test. The result of the test was declared on 13.06.2023, and 1<sup>st</sup> respondent was granted admission to the BAMS course in the stray vacancy on 29.11.2023, for the academic year 2023-2024, at Santhigiri Ayurveda Medical College.

2.2. The 1<sup>st</sup> respondent was granted admission under the



OBC category as he belonged to Chakkala Nair community, which is a community coming under the OBC category by virtue of Ext.P2 Government Order dated 11.09.2023. Thereafter, the Tahsildar, Kottarakkara, issued Ext.P3 certificate dated 25.11.2023 providing that the community mentioned as Hindu Nair in the SSLC certificate of the 1<sup>st</sup> respondent is in fact Hindu Chakkala Nair. It was officially published in the Kerala Gazette by Ext.P3(a) notification No.49 dated 02.12.2023. Thereafter, the 1<sup>st</sup> respondent was issued with Ext.P4 non-creamy layer certificate dated 14.05.2024 and Ext.P5 caste certificate dated 15.05.2024.

2.3. On 14.05.2024, the Principal of the College, by Ext.P6 communication dated 14.05.2024, requested the appellant to approve the admission of the 1<sup>st</sup> respondent under the OBC category. But, by Ext.P7 order dated 25.06.2024 issued by the appellant, the admission of the 1<sup>st</sup> respondent was withheld, pending consideration of Ext.P6, and it was directed not to register the name of the withheld candidate until further orders.

2.4. Aggrieved by Ext.P7 order, the mother of the 1<sup>st</sup> respondent submitted Ext.P8 communication dated 01.07.2024 to the Chairman of the appellant, annexing all the necessary



documents. In reply to Ext.P7 order, the Principal of the College had submitted Ext.P9 reply dated 02.07.2024 requesting to approve the admission of the 1<sup>st</sup> respondent under the OBC category on the strength of Ext.P2 Government Order and Ext.P3 certificate. Thereafter, the appellant issued Ext.P10 order dated 05.09.2024 disapproving and cancelling the admission granted to the 1<sup>st</sup> respondent under the OBC category for the BAMS course in the college. Being aggrieved, the 1<sup>st</sup> respondent filed the writ petition under Article 226 of the Constitution of India seeking the following reliefs:

- "(i) Issue a writ of certiorari calling for records and leading to Ext.P7 to the extent it withheld the admission of the petitioner under OBC category and to quash the same;
- (ii) Issue a writ of certiorari calling for records and leading to Ext.P10 and to quash the same;
- (iii) Issue a writ declaring that the petitioner is eligible for admission under OBC category for BAMS course at Santhigiri Ayurveda Medical College in view of Exts.P2 and P3.
- (iv) Issue a writ declaring that the admission to the petitioner is proper and in accordance with the prescribed procedure".

3. After hearing both sides and on appreciation of



materials on record, the learned Single Judge by the impugned judgment dated 30.01.2025 disposed of the writ petition by setting aside Exts.P7 and P10 orders passed by the appellant and declared that the 1<sup>st</sup> respondent is eligible for admission to the BAMS course under the OBC category in view of Exts.P2 and P3. Being aggrieved, the appellant has filed this writ appeal, with an application for condonation of the delay of 150 days. By the order dated 11.08.2025 in C.M. Application No.1 of 2025, this Court condoned the delay in filing the appeal.

4. When the matter was taken up for hearing, the learned Senior Counsel for the 1<sup>st</sup> respondent raised objection regarding the maintainability of the writ appeal, and hence we heard both sides on this point.

5. The learned Senior Counsel would argue that the appellant Committee was constituted as provided under Section 3 of Act 15 of 2017 and is exercising a quasi-judicial function. Therefore, Exts.P7 and P10 decisions taken by the Committee invoking the power under Section 8 of the Act 15 of 2017 are quasi-judicial orders. The committee, being the adjudicatory authority, passed



Exts.P7 and P10 orders, cannot be termed as the aggrieved person and hence it is not entitled to challenge the judgment passed by the learned Single Judge setting aside the quasi-judicial orders passed by it. In support of his argument, the learned Senior Counsel invited our attention to the decisions of this Court in **State of Kerala v. M. Nouhad [2013 (4) KHC 464]**, **Administrator, Cosmopolitan Hospitals (P) Ltd. Tvm v. Regional Provident Fund Commissioner [2015 (5) KHC 16]** and that of the High Court of Bombay in **Mohamed Oomer, Mohamed Noorullah v. S.M. Noorudin [AIR 1952 Bom 165]**.

6. The learned Standing Counsel for the appellant would submit that in the writ petition, the appellant was arrayed as 2<sup>nd</sup> respondent. It is the responsibility of the appellant to see that the admissions are carried out in a fair and unbiased manner, and if the appellant is not permitted to challenge the judgment of the learned Single Judge, gross injustice will be the result. As far as maintainability of the writ appeal is concerned, the learned counsel relied on the judgment of this court in **Kerala Private Medical College Management Association v. Admission Supervisory Committee for Professional Colleges [2013 (3)**



**KLT 316]**, judgment dated 10.04.2015 in W.P.(C)No.17328 of 2014, the order dated 14.03.2018 in R.P. No.1114 of 2017 in W.P.(C)No.31814 of 2017 and also the order of the Apex Court dated 29.08.2018 in S.L.P.(C) No.23225 of 2018 to argue that in all those proceedings the Admission Supervisory Committee was one of the party, either as the petitioner or the respondent.

7. The learned Senior Government Pleader would submit that there is a duty on the Admission Supervisory Committee to see that the admissions effected are fair and not in contravention of the provisions of the Act. Therefore, the Admission Supervisory Committee is entitled to file the writ appeal.

8. The learned counsel for the 3<sup>rd</sup> respondent, Principal of the College, supported the stand of the 1<sup>st</sup> respondent that the appeal is not maintainable.

9. To answer the controversy, it is relevant to note some of the provisions of Act 15 of 2017 and also the judgments relied by either side. Sections 2(a), 3, 4(vii), 8, 12, and 13 of the Act 15 of 2017 read thus:

"2. Definitions.- In this Act, unless the context otherwise requires.-



(a) "Admission Supervisory Committee" means the Admission Supervisory Committee constituted as per Section 3.

xxxx        xxxx        xxxx        xxxx

### 3. Constitution of Admission Supervisory Committee-

The Government shall, by notification in the Gazette, constitute an Admission Supervisory Committee consisting of the following members for the purpose of supervision and issuing guidelines of admission process in the private medical educational institutions, namely:--

(a)	A retired Judge of High Court -	Chairperson
(b)	Secretary, Health and Family Welfare Department (ex officio)	Member Secretary
(c)	Law Secretary (ex officio)	Member
(d)	A representative of the National Medical Commission nominated by the Government	Member
(e)	Commissioner of Entrance Examinations (ex officio)	Member
(f)	An educational expert belonging to Scheduled Caste or Scheduled Tribe nominated by the Government in consultation with the Chairperson	Member

xxxx        xxxx        xxxx        xxxx

4(7): The Committees shall regulate their own procedure for the conduct of their business.

xxxx        xxxx        xxxx        xxxx

### 8. Powers and functions of the Admission Supervisory Committee.-

(1) The Admission Supervisory Committee shall exercise the following powers and perform the following functions,



namely:--

(a) on receipt of a complaint regarding the admission made in contravention of the provisions of this Act or the rules made thereunder, to inquire into the admission made by any private medical educational institutions in contravention of such provisions or the collection of fee exceeding the fee determined as per the provisions of this Act or the realisation of capitation fee or the profiteering and cause inspection of the institution for the purpose of making inquiry, on the basis of the said complaint or suo moto;

(b) to take appropriate action, after conducting an inquiry under clause (a), on an inspection report prepared by the department concerned on the direction of the Government or the University concerned or the appropriate authority;

(c) if satisfied that there has been any violation by such institutions of the provisions of this Act or the rules made thereunder regarding admission, recommend to the Government to take the following actions against such institution, namely:--

(i) impose a monetary fine up to ten lakh rupees on the institution together with interest thereon at the rate of twelve per cent per annum which shall be recovered as if it were an arrear of public revenue due on land;

(ii) declare admission made in any or all the seats in an institution, in contravention of the provisions



of this Act or the rules made thereunder invalid, and thereupon take necessary action causing the institution to forthwith cancel the admission of such student and the University concerned to cancel the enrolment of such student and cancel his results of examinations concerned in which the student has already appeared;

(iii) order the institution to stop admission or reduce the sanctioned intakes in any medical course for such period as it may deem fit;

(iv) recommend to the University or the appropriate authority to withdraw the recognition of the institution;

(v) any other course of action, as it deems fit.

(2) The Admission Supervisory Committee shall ensure that the admission in a private medical educational institution is done in a fair and transparent manner.

(3) The Admission Supervisory Committee shall, for the purpose of making any enquiry under this Act, have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) while trying a suit in respect of the following matters, namely:--

(a) summoning and enforcing the attendance of any witness and examining him on oath;

(b) requiring discovery and production of any document;

(c) receiving evidence on affidavit; and

(d) issuing commissions for the examination of



witnesses and for local inspections.

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**12. Appeal.--**

Any person aggrieved by an order of the Committees, may prefer an appeal, within thirty days from the date of such order, before the High Court.

**13. Protection of action taken in good faith.--**

No suit, prosecution or other legal proceeding shall lie against the Government or the officers or employees, or the Chairperson or members of the Committees for anything which is done or intended to be done in good faith under this Act.

(Underline supplied)

**10. In **S.M. Noorudin [AIR 1952 Bom 165]****, which is an appeal arising out of an order made by the Registrar of Trademarks, the High Court of Bombay held thus:

"12. The next question is what order as to costs we should make with regard to the Registrar. Now, there are certain cases in which the Registrar should appear and can legitimately claim his costs. In our opinion, this is not one of those cases. The Solicitor-General, who appeared for him, made it clear that the Registrar was not interested in the decision. As a matter of fact, there is no decision, because the only order of the learned Judge below is an order of remand. The Solicitor-General said that he appeared in order to help the Court by pointing out certain errors in the judgment of the lower Court. Now, it seems to us that this is rather a startling proposition for the Solicitor General to



advance. I have never heard of a Judge of first instance briefing counsel in a Court of appeal in order to point out that the judgment of the lower appellate Court was wrong and his judgment was right. If this were the true principle, then every time we hear a second appeal we should look to being guided by the Judge of the trial Court appearing by counsel and telling us what the mistakes in the judgment of the lower Court are. We take it that this Court is sufficiently competent to find out for itself, with the guidance of the counsel of parties, as to what errors, if any, have been committed by the lower Court. We, therefore, think that it was entirely wrong on the part of the Registrar in this case to have appeared merely for the purpose of elucidating his own judgment and pointing out the errors in the judgment of the Court below. That is not the proper function of the Court of first instance, and in this case the Registrar is nothing else except the Court of first instance. He must submit to the judgment of lower appellate Court if there is no appeal from that judgment. If there is an appeal, he must submit to the judgment of the final Court of appeal. If his judgment is right, it will be restored by the final Court and the errors of the lower appellate Court will be rectified; if his judgment is wrong, then the lower appellate Court's judgment will be confirmed by the final Court of appeal. But, as I said before, this Court neither needs illumination nor guidance from the Judge of the first instance as to what are the errors in the judgment of the lower appellate Court".

(Underline supplied)



11. In **M. Noushad [2013 (4) KHC 464]**, a Division Bench of this Court, while considering an appeal filed by the State of Kerala and two of its officers against the judgment of the learned Single Judge in a litigation between the Manager of an aided school and a Teacher appointed in that school, held thus:

"3. The revisional decision rendered by the Government is under Rule 92 of Chapter 14A of KER, which is essentially one in the nature of quasi-judicial adjudication in exercise of revisional powers. This is the format and setting in which the various sub-rules under Rule 92 of Chapter 14A are couched. The repository of such power of revision would not have the authority to support its decision, when that is questioned in a competent judicial forum either by way of writ proceedings or otherwise. See for support, Syed Yakoob v. K. S. Radhakrishnan [1964 KHC 457 : AIR 1964 SC 477 : 1964 (5) SCR 64] in which the Constitutional Bench, as can be learnt from what is stated in paragraph 19 of that judgment, laid down that unless allegations are made against the repositories of such power which need a reply from them, such authorities ought not to support such decisions, when under challenge before a superior Court or authority. Their Lordships clearly laid down that, in ordinary cases, position of such authorities is like that of Courts and other Tribunals against whose decisions writ proceedings are filed. They are not interested in the merits of the disputes in any sense, and so, their representation or any



particular stand taken by them in such actions before superior Courts or Tribunals would be even inappropriate. The only exceptional circumstance carved out to this principle is that such authority should have the opportunity to answer any plea of personal mala fides, bias or other personal actuations. No such allegation surfaces in this case after the verdict rendered by the learned Single Judge. Not only that, there was no such allegation against the Government even before the learned Single Judge. Therefore, we are clear in our mind that this writ appeal at the instance of the State of Kerala and two of its officers in their official capacity, as against the impugned judgment, is inappropriate".

(Underline supplied)

12. A Division Bench of this Court, in **Regional Provident Fund Commissioner [2015 (5) KHC 16]**, while considering an appeal preferred by the assessee of the Regional Provident Fund, challenging the course of proceedings leading to the fixation of liability under the relevant provisions of the EPF Act/Scheme with reference to interim relief, held thus:

"9. Another important aspect, which has come to the notice of this Court is that, there is an inherent defect on the part of the 1<sup>st</sup> respondent in having preferred the original petition before this Court, challenging Ext. P4 order passed by the second respondent Tribunal. This is for the reason that, the 1<sup>st</sup> respondent happened to be the 'adjudicating authority',



who passed Ext.P1 order mulcting the liability upon the appellant herein. The said order passed by the 1<sup>st</sup> respondent was subjected to challenge by the appellant, by filing a statutory appeal before the second respondent/Tribunal. After considering the facts and figures and the relevant provisions of law, the second respondent/Appellate Tribunal found that, the order passed by the 1<sup>st</sup> respondent was not liable to be sustained and accordingly, the said order was set aside as per Ext. P4. The question to be considered is whether the 1<sup>st</sup> respondent, who happened to be the 'adjudicating authority', could have moved the original petition before this Court, challenging the order passed by the higher authority/Appellate Tribunal. The position can be answered only in the 'negative' as discussed below.

10. A similar order involving the Provident Fund Department (when the original order passed by the Assistant Provident Fund Commissioner, was subsequently intercepted by the Appellate Tribunal) came to be challenged before this Court by the Regional Provident Fund Commissioner. A preliminary objection was raised from the part of assessee/Employer of the establishment as to the maintainability of the original petition. Various judgments rendered by the Apex Court were cited across the bar; particularly the ruling rendered by the Apex Court in AIR 1961 SC 182, 1961 KHC 484 : 1961 (1) SCR 474 : 1960 (40) ITR 618 : 1961 (1) MLJ (SC) 35 Bhopal 18 (Bhopal Sugar Industries Ltd. v. Income Tax Officer), AIR 2000 SC 3678, 2001 KHC 274 : 2001 (1) KLT



SN 54 : 2001 (1) SCC 582 (Union of India v. K. M. Sankarappa) and 2007 (8) SCC 254, 2007 KHC 4014 : JT 2007 (12) SC 41 : 2007 (220) ELT 3 : 2007 (3) SCC (Cri) 531 (Mohtesham Mohd. Ismail v. Spl. Director, Enforcement Directorate and Another), wherein it has been categorically laid down that the 'adjudicating authority' cannot challenge the order passed by the 'higher authority' under any circumstance; which otherwise would undermine the principles of 'judicial discipline'. Following the law declared by the Apex Court, the question was answered by a learned Judge of this Court, as per the decision reported in 2012 (1) KLT 704, 2012 KHC 134 : 2012 (1) KLJ 738 (Assistant Provident Fund Commissioner v. West Coast Petroleum Agency), holding that the Departmental authority who passed the order in adjudication, could not have challenged the order passed by the Appellate Tribunal. We affirm the position as above". (Underline supplied)

13. From the provisions of the Act 15 of 2017 extracted above, we notice that, as rightly argued by the learned Senior Counsel appearing for the 1<sup>st</sup> respondent, the appellant Admission Supervisory Committee, which is a statutory body constituted under Section 3 of the said Act, is exercising a decision making power as far as complaints received under Section 8 of the said Act. As per Section 8(a) of the Act 15 of 2017, the appellant has to inquire into the admission made by any private medical



institutions in contravention of such provisions or the collection of fee exceeding the fee determined as per the provisions of that Act or the realisation of capitation fee or the profiteering or cause inspection of the institutions for the purpose of making inquiry if a complaint is received regarding the admission made in contravention to the provisions of the Act. For the purpose of making inquiry under the Act, the Committee have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (Central Act 5 of 1908) while trying a suit in respect of certain matters, enumerated in Section 8. The function of the appellant, therefore, is adjudicatory in nature and not a ministerial one.

14. It is also relevant to note that, as per Section 12 of Act 15 of 2017, there is a statutory remedy provided to the person aggrieved by the decision of the committee. By the notification No.4573/LEG.H1/2019/Law dated 28.06.2019, the Government has substituted the word 'committee' with 'committees' in Sections 12 and 13 of the Act 15 of 2017. Hence, as per the scheme of the Act, after the substitution of the word 'committee' with 'committees', the aggrieved person can challenge the decision of the Admission Supervisory Committee or that of the Fee



Regulatory Committee, as the case may be, before this Court within 30 days from the date of the order by filing an appeal. Therefore, we verified with the Registry of this Court about the filing of the writ petition instead of an appeal against the decision of the Admission Supervisory Committee as provided under Section 12 of Act 15 of 2017.

15. On verification with the Registry of this Court, we notice that after the amendment to Sections 12 and 13 of the Act 15 of 2017, the Registry of this Court obtained administrative orders from the then Acting Chief Justice on 20.11.2017 to give nomenclature to such appeals filed against the decisions of the committees mentioned in Section 12 of Act 15 of 2017. In continuation of the administrative order, a notification No.D1-69978/2010 dated 22.11.2017 was issued by this Court, publishing the nomenclature to the appeals filed under Section 12 of the Act 15 of 2017 as Miscellaneous First Appeal (Kerala Medical Education) - MFA (KME) with effect from 20.11.2017.

16. However, while considering ZMFA (KME) Nos.33 and 15 of 2017 (F) which came up before a Division Bench of this Court it was noticed that though there is a statutory provision under the



Act to prefer appeal before this Court against the orders passed by the committees, no corresponding rules are framed under the Act, specifying issuance of certified copy of the order, court fee is to be paid for the appeal, etc., so as to give effect to Section 12 of Act 15 of 2017. Hence, the Division Bench, by the order dated 28.11.2017, passed in that ZMFA (KME) Nos.33 and 15 of 2017 directed to return those appeals to the appellants therein to file writ petitions, challenging the orders as appeals cannot be entertained until rules are framed. Though subsequently the Kerala Medical Education (Regulation and Control of Admission to Private Medical Educational Institutions) Rules 2021 were framed by the Government, no provisions relating to filing of an appeal under Section 12 of Act 15 of 2017 were made in those rules. In view of the absence of rules regarding the filing of appeals, the decision of the Division Bench dated 28.11.2017 in ZMFA(KME) Nos.33 and 15 of 2017 is still followed by filing writ petitions challenging the decision of the committees, instead of appeals as provided under Section 12 of Act 15 of 2017. We further noticed that initially, such writ petitions were listed before the Division Bench as per the administrative order dated 20.02.2019. Later, by



the administrative order dated 16.03.2022, some matters related to the above subject were listed before the Single Bench. Having considered the inconsistency in the roster in the above subject, the Hon'ble the Chief Justice, while issuing the roster with effect from 19.05.2025, the practice of assignment of the subject to the Division Bench was discontinued and the roster was fixed with the Single Bench only under the subject all matters relating to education with Code 47.02 for admission matter and 47.04 for fee dispute matters. Therefore, a writ petition filed before the learned Single Judge, as in the instant case, is perfectly maintainable against the decision of the appellant Committee instead of an appeal under Section 12 of Act 15 of 2017.

17. The appeal provision provided under Section 12 against the decision of the appellant Committee and also the protection of action taken in good faith granted to the officers or employees, or the chairperson or the members of the Committee under Section 13 of the Act 15 of 2017 also makes it clear that the jurisdiction exercised by the appellant Committee in the matter of a disputed question is that of an adjudicating authority.

18. Moreover, the beneficiary or the person adversely



affected by the decision that would be taken by the Committee on a complaint would always be third parties and not the Committee, which has taken that decision. It is true that in the present writ petition, the appellant was arrayed as 2<sup>nd</sup> respondent. But that does not mean that the appellant has a duty to see that the decision taken by it is sustained in a court of law. The appellant Committee is only a proper party to the writ petition. From the judgment of a Division Bench of this Court in **Regional Provident Fund Commissioner [2015 (5) KHC 16]**, it is clear that an adjudicating authority cannot challenge the order passed by the higher authority under any circumstance, which otherwise would undermine the principle of judicial discipline. When the decision of the appellant is set aside in the writ petition, the appellant cannot be the aggrieved. It is the person or official respondents benefited by the aforesaid cancelled decision of the appellant can only be the aggrieved. The decision of the Committee can be supported or challenged by the person benefited or adversely affected by the said decision or by the official respondents who have a duty to see that the admissions are made in a fair and proper manner. If a quasi-judicial body statutorily empowered to take a decision in a



dispute between third parties starts to challenge the adverse orders against the decision taken by it before the court of law, then it will create an anomalous situation that in all the cases wherein the decision of the quasi-judicial body were interfered by the Court, such quasi-judicial body or authorities will come up with appeals.

19. It is true that in **Kerala Private Medical College Management Association [2013 (3) KLT 316]**, W.P.(C)No.17328 of 2014, R.P. No.1114 of 2017, S.L.P.(C)No.23225 of 2018 and Civil Appeal Nos.11976-11977 of 2014, pointed out by the learned Counsel for the appellant, the Admission Supervisory Committee was either one of the respondents or the sole respondent. But that does not mean that the aggrieved person in those cases is the Admission Supervisory Committee. The entitlement of the Admission Supervisory Committee to maintain a judicial proceeding to sustain its decision is not considered in any of these cases. Merely for the reason that the Admission Supervisory Committee was made a party in those cases, it cannot be said that it has the right to challenge the judgment passed against the decision taken by the committee.



Therefore, the judgments relied on by the learned counsel for the appellant will not render any help to the appellant to find the question of maintainability in favour of the appellant.

20. Having considered the pleadings and materials on record and the submissions made at the Bar, we are of the considered opinion that the appellant cannot challenge the impugned judgment passed by the learned Single Judge, whereby Exts.P7 and P10 orders passed by the appellant were set aside. Therefore, this writ appeal is liable to be dismissed on the question of maintainability.

In the result, the writ appeal stands dismissed.

Sd/-

**ANIL K. NARENDRAN, JUDGE**

Sd/-

**MURALEE KRISHNA S., JUDGE**

sks



**APPENDIX OF WA NO. 1550 OF 2025**

**RESPONDENT ANNEXURES**

**Annexure R1(a)** TRUE COPY OF THE PROSPECTUS FOR THE AYUSH UG COURSES FOR BAMS ADMISSION FOR THE ACADEMIC YEAR 2023-24

**PETITIONER ANNEXURES**

**Annexure 1** TRUE COPY OF THE DATA SHEET OF THE FIRST RESPONDNET FOR KEAM 2023 ISSUED BY THE 4TH RESPONDNET (RELEVANT PAGES)

**Annexure 2** THE DATA SHEET OF THE PETITIONER ISSUED BY THE 4TH RESPONDNET

**Annexure 3** THE COPY OF THE G.O. (MS) NO.10/2014/ BCDD DATED 23.05.2014 THAT CHAKKALA NAIR COMMUNITY