



2025:KER:66634

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

WEDNESDAY, THE 10TH DAY OF SEPTEMBER 2025/19TH BHADRA, 1947

WP(C) NO. 24429 OF 2025

PETITIONERS:

- 1 MEGHNA DEVI
 AGED 20 YEARS
 D/O SANTHOSH, RESIDING AT KARIPPALIKALAM,
 ELAVANCHERY, CHITTUR TALUK, PALAKKAD DISTRICT,
 PIN - 678508

- 2 SREEJA P K
 AGED 48 YEARS
 D/O KAMKSHIKUTTIYAMMA,
 RESIDING AT KARIPPALIKALAM, ELAVANCHERY,
 CHITTUR TALUK, PALAKKAD DISTRICT, PIN - 678508

BY ADVS.
SRI.AKHIL RAJ B.
SRI.SRAVAN M.S.
SRI.U.UMESH KUMAR
SRI.ARUN RAJ
SRI.VISHNU VIJAYAN
SMT.AMEESHA GEORGE



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RESPONDENTS :

- 1 THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
REVENUE DEPARTMENT, GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001
- 2 THE DISTRICT COLLECTOR
OFFICE OF THE DISTRICT COLLECTOR,
PALAKKAD, PIN - 678001
- 3 THE TAHSILDAR
TALUK OFFICE, CHITTUR, PALAKKAD, PIN - 678101
- 4 NATIONAL TESTING AGENCY (NTA)
FIRST FLOOR, NSIC-MDBP BUILDING,
OKHLA INDUSTRIAL ESTATE, PHASE III,
NEW DELHI EMAIL: GENADMIN@NTA.AC.IN,
WEBSITE: WWW.NTA.AC.IN, PIN - 110020
REPRESENTED BY ITS AUTHORISED OFFICER,

* ADDL.5 THE DIRECTOR GENERAL,
NATIONAL INSTITUTE OF FASHION TECHNOLOGY
HAUZ KHAS, NEAR GULMOHAR PARK,
NEW DELHI, INDIA- 110016

(ADDITIONAL 5TH RESPONDENT IS IMPEADED AS PER
ORDER DATED 03.07.2025 IN IA. NO.1/2025 IN
WP(C) NO.24429/2025)

BY ADVS.
SMT.O.M.SHALINA, DEPUTY SOLICITOR GENERAL OF
INDIA
SMT.K. AMMINIKUTTY, SENIOR GOVERNMENT PLEADER
SRI.S. NIRMAL, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 19.08.2025 AND THE COURT ON 10.09.2025
DELIVERED THE FOLLOWING:



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N. NAGARESH, J.

.....
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.....

Dated this the 10th day of September, 2025

J U D G M E N T

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The 1st petitioner, who is a meritorious student who has appeared for the NIFT Entrance Examination conducted by the National Testing Agency, is aggrieved by the refusal on the part of the respondents to issue Economically Weaker Section (EWS) Certificate to the 1st petitioner.

2. The 1st petitioner appeared for the NIFT Entrance Examination and secured an All India Rank of 1238 and EWS Category Rank of 54. The petitioners wanted to avail the benefit of reservation under the Economically



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Weaker Section Category. The 1st petitioner's father had left the family 12 years ago and he is now living abroad with another family. The 1st petitioner's father is not supporting the petitioners.

3. Though the petitioners submitted representations before respondents 2 and 3 and proceeded with the matter, the application for EWS Certificate stands rejected as per Ext.P12 communication of the 3rd respondent. It is aggrieved by Ext.P12 communication dated 30.06.2025 that the petitioners are before this Court.

4. I have heard the learned counsel for the petitioners, the learned Government Pleader representing respondents 1 to 3, the learned Deputy Solicitor General of India appearing for the 4th respondent and the learned Standing Counsel appearing for the additional 5th respondent.

5. It is not in dispute that the 1st petitioner's mother, who is the 2nd petitioner, has no independent income.



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It is also not disputed that the 1st petitioner's father left the family 12 years ago. However, the application for EWS Certificate has been rejected holding that the 1st petitioner's mother holds 6.95 Cents of land as against the permissible upper limit of 4.13 Cents as per the orders issued by the Central Government.

6. The income of the father as well as mother has to be considered for grant of EWS Certificate. If either of the parents have abandoned the family, the income of such a person need not be taken into account. The petitioners have filed documents in this regard. Ext.P12 further states that in the Secondary School Certificate of the 1st petitioner, the mother's name is shown as Sushadevi instead of Sreeja.

7. The 1st petitioner is a very meritorious candidate. In the NIFT Entrance Examination conducted by the NTA, the 1st petitioner has an All India Rank of 1238. In the EWS Category, the 1st petitioner's rank is 54. Ext.P7



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Income Certificate issued by the Revenue authorities would show that the annual income of the family is below ₹60,000/- only. Ext.P8 certificate issued by the President of the Grama Panchayat would show that the 2nd petitioner's husband has abandoned the petitioners and the 2nd petitioner has not remarried. According to the petitioners, the 2nd petitioner's husband is living in a foreign country with a separate family. Ext.P11 issued by the Village Officer would show that the name of the mother of the 1st petitioner is Sreeja. The petitioners would submit that Sushadevi is the name of her stepmother.

8. Considering the facts of the case, I am of the view that the reason stated in Ext.P12 for declining EWS Certificate to the 1st petitioner is unsustainable. As regards the land held by the 2nd petitioner, Ext.P13 Location Plan prepared by the licensed building supervisor under the Department of Urban Affairs, Government of Kerala would



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show that the 2nd petitioner has only 3.5 Cents of residential area and the remaining 3.5 Cents is agricultural land. The Government of Kerala has issued Ext.P14 Government Order, where it has been categorically stated that for considering the criteria for inclusion in the EWS Category, after calculating the setback area, built-up area and covered area must be added along with the setback area. All the remaining land is to be considered as agricultural land for the purpose of EWS Category. Therefore, the claim of the petitioners cannot be rejected on that ground.

9. It is further stated in Ext.P12 that the income of both the parents has to be considered and if one of the parents has abandoned the family, sufficient documentary proof should be produced. Ext.P8 certificate issued by the President of the Grama Panchayat would indicate that the 2nd petitioner has been deserted by her husband and she has not remarried so far. The father has deserted the family more



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than 12 years ago and he is residing abroad with another family. In such circumstances, Ext.P8 has to be relied on and the 1st petitioner should be granted the benefit of EWS without taking into consideration the income of the father, who has abandoned the petitioners.

10. As regards the anomaly in the name of the 1st petitioner's mother as seen in the Secondary School Certificate, the Village Officer has issued a Certificate stating that the 2nd petitioner is the mother of the 1st petitioner. The 1st petitioner's mother's name is Sreeja and according to the petitioners, Sushadevi is the name of her stepmother. Denying the benefit of EWS to the 1st petitioner on the basis of the stepmother's name appearing in the Secondary School Certificate is also unsustainable.

In the facts and circumstances of the case, the writ petition is allowed and Ext.P12 is set aside. The 3rd respondent is directed to issue EWS Certificate to the 1st



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petitioner forthwith. The additional 5th respondent shall grant admission to the 1st petitioner if the seat / vacancy is available and if the 1st petitioner satisfies all other necessary parameters.

Sd/-
N. NAGARESH, JUDGE

aks/09.09.2025



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APPENDIX OF WP(C) 24429/2025

PETITIONERS' EXHIBITS

Exhibit P1	THE TRUE COPY OF THE SCORE CARD ISSUED BY NTA DATED 22.06.2025
Exhibit P2	THE TRUE COPY OF THE APPLICATION SUBMITTED BEFORE THE 2ND RESPONDENT DATED 15.01.2025
Exhibit P3	THE TRUE COPY OF THE REPRESENTATION MADE BEFORE THE 3RD RESPONDENT DATED 19.06.2025
Exhibit P4	THE TRUE COPY OF THE REPRESENTATION MADE BEFORE THE 3RD RESPONDENT BY THE 1ST PETITIONER DATED 25.06.2025
Exhibit P5	TRUE COPY OF THE AADHAR CARD OF THE PETITIONER
Exhibit P6	TRUE COPY OF THE AFFIDAVIT SUBMITTED BY THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT DATED 25.06.2025
Exhibit P7	TRUE COPY OF THE INCOME CERTIFICATE DATED 29.07.2024 ISSUED BY THE GOVERNMENT OF KERALA IN THE 2ND PETITIONER'S NAME
Exhibit P8	TRUE COPY OF THE SAAKSHYA PATHRAM SIGNED BY THE PRESIDENT ELAVANCHERY GRAMA PANCHAYATH DATED 13.01.2025.
Exhibit P9	TRUE COPY OF THE RATION CARD OF THE PETITIONER PROVING THE NUMBER OF MEMBERS IN THE FAMILY IS THREE
Exhibit P10	THE TRUE COPY OF THE APPLICATION FORM SUBMITTED BY THE 1ST PETITIONER FOR BEING INCLUDED IN THE EWS CATEGORY DATED 15.06.2025
Exhibit P11	THE TRUE COPY OF THE LETTER SUBMITTED BY THE VILLAGE OFFICER ELAVANCHERY TO THE VEO DATED 13.06.2025 STATING THE FINANCIAL CONDITIONS OF THE PETITIONER
Exhibit P12	THE TRUE COPY OF THE LETTER SENT BY THE 3RD RESPONDENT DATED 30.06.2025



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Exhibit P13	THE TRUE COPY OF THE LOCATION PLAN PREPARED BY THE LICENSED BUILDING SUPERVISOR, DEPARTMENT OF URBAN AFFAIRS, GOVT. OF KERALA IN THE NAME OF THE 2ND PETITIONER
Exhibit P14	THE TRUE COPY OF THE GOVERNMENT ORDER G.O.(MS) NO. 23/2024/P&ARD DATED 27.11.2024
Exhibit P15	THE TRUE COPY OF THE APPLICATION SUBMITTED BY THE 1ST PETITIONER BEFORE THE CBSE HEAD OFFICE, DELHI DATED 11.07.2025