

C.R.

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

WEDNESDAY, THE 1ST DAY OF NOVEMBER 2023 / 10TH KARTHIKA,

1945

WP(C) NO. 31882 OF 2023

PETITIONER:

ADV. PRIYANKA SHARMA M R
AGED 24 YEARS, D/O MOHAN SHARMA,
SUNIL MANZIL, BHAVANA NAGAR - 108, KADAPPAKADA
(P.O), KOLLAM, PIN - 691008
BY ADVS.
AJMAL A.
DHANUSH C.A.
RINSHAD T.P.

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY , BACKWARD CLASSES
DEVELOPMENT DEPARTMENT , GOVERNMENT SECRETARIAT
, THIRUVANANTHAPURAM, PIN - 695001
- 2 DIRECTOR
DIRECTORATE OF BACKWARD CLASSES DEVELOPMENT
DEPARTMENT , AYYANKALI BHAVAN , KANAKA NAGAR ,
KOWDIAR (P.O) , VELLAYAMBALAM ,
THIRUVANANTHAPURAM, PIN - 695003
SRI. SUNIL K.KURIAKOSE, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01.11.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

WPC 31882/23

..2..

C. R.

JUDGMENT

The Junior Advocates of the State of Kerala are benefited by "Advocates Grant", under the aegis of the Backward Classes Development Department - of which the 2nd respondent is the Director, which was commenced in the year 2012-13, whereby, an amount of Rs.12,000/- per year is given to eligible candidates for a period of three consecutive years.

The petitioner says that, though notification under the Scheme had been published by the competent Authority of the Government in year 2021, no such was issued for the years 2022 or 2023; thus constraining her to approach this Court because, she is now being denied valuable assistance, solely on account of such omission. She thus prays that respondents be directed to issue a notification under the "Scheme" for the years 2022 and 2023; and thus favour eligible candidates, including her, with the benefits thereunder.

2. This Court is aware that the matter had been considered earlier on 25.10.2023, on which day, the learned Government Pleader sought time to obtain instructions as to

WPC 31882/23

..3..

why the notifications under the "Scheme" has not been published in the years 2022 and 2023.

3. Today, Sri.Sunil Kumar Kuriakose - learned Government Pleader, conceded that, under the "Scheme", notifications are to be issued every year because, it is a continuing financial assistance for a consecutive three year period, to a deserving candidate. He submitted that, therefore, if this Court is so inclined, the competent Authority can consider the issuance of notification for the years 2022 and 2023; however, praying that no affirmative declarations be made in favour of the petitioner.

4. There can be little doubt that the "Scheme" has been propounded with a very laudable objective. It was done under the aegis of the Backward Classes Development Department of the Government of Kerala, obviously to benefit persons among young Advocates from disadvantaged background, who would find it extremely difficult to survive in the Profession of Law. The grant was intended to help them to sustain in the profession and to be able to create the minimum infrastructure required; and apodictically, stoppage of the

WPC 31882/23

..4..

same cannot be countenanced.

5. As is well known and therefore, amenable to judicial notice by this Court, the travails of a young Advocate, when they join the profession is sometimes grave; and brilliant persons drop out solely for want of sufficient support. Even though the amount under the Scheme is only Rs.12,000/- a year, for a young Advocate, this would be sometimes invaluable, particularly to those who belong to the disadvantaged classes of the Society.

6. Certainly, the Profession of Law and the legal system require brilliant people from such communities and classes to be successful Advocates, Judges and Jurists; and any support that the system can afford them, would surely be necessary and imperative.

7. Since, the "Scheme" had been launched from the year 2012-2013, I see absolutely no reason for the Government not to have issued notifications for the years 2022 and 2023. The benefits to the young Advocates, who enrolled in these two years, cannot be robbed for no perceptible reason; and am certain that petitioner is, therefore, entitled

WPC 31882/23

..5..

to reliefs, as sought in this petition.

In the afore circumstances, I allow this writ petition; with a consequential direction to the competent Authority of the 1st respondent, to issue necessary notifications under the "Scheme", both for the years 2021 – 2022 and 2022 – 2023, at the earliest, but not later than one month from the date of receipt of a copy of this judgment; consequent to which, the 2nd respondent or such other competent Authority, will ensure that eligible young Advocates, including the petitioner, are given the benefits thereunder, after following due procedure without any avoidable delay.

Needless to say, as regards the year 2021 -2022, since the notification has been ordered to be issued only now, the eligible benefits thereunder shall be given to the entitled young Advocates for both the years together.

Sd/-

DEVAN RAMACHANDRAN, JUDGE

ACR

WPC 31882/23

..6..

APPENDIX OF WP (C) 31882/2023

PETITIONER EXHIBITS

Exhibit - P1 TRUE COPY OF G.O(RT.)NO.1439/2012/BCDD
DATED 20/11/2012

Exhibit - P2 TRUE COPY OF G.O(RT.)NO.39/2017/BCDD
DATED 30/03/2017

Exhibit - P3 TRUE COPY OF NOTIFICATION ISSUED BY
THE 2ND RESPONDENT IN 2012

Exhibit - P4 TRUE COPY OF NOTIFICATION ISSUED BY
THE 2ND RESPONDENT IN 2013

Exhibit - P5 TRUE COPY OF THE NOTIFICATION DATED
24/09/2014 ISSUED BY THE 2ND
RESPONDENT

Exhibit - P6 TRUE COPY OF THE NOTIFICATION DATED
20/07/2017 ISSUED BY THE 2ND
RESPONDENT

Exhibit - P7 TRUE COPY OF THE NOTIFICATION DATED
05/02/2019 ISSUED BY THE 2ND
RESPONDENT

Exhibit - P8 TRUE COPY OF THE NOTIFICATION DATED
10/07/2019 ISSUED BY THE 2ND
RESPONDENT

Exhibit - P9 TRUE COPY OF THE NOTIFICATION DATED
23/07/2020 ISSUED BY THE 2ND
RESPONDENT

Exhibit - P10 TRUE COPY OF THE NOTIFICATION DATED
15/07/2021 ISSUED BY THE 2ND
RESPONDENT

Exhibit - P11 TRUE COPY OF THE RTI APPLICATION DATED
05/06/2023 FILED BEFORE THE OFFICE OF
2ND RESPONDENT

Exhibit - P12 TRUE COPY OF THE REPLY DATED
27/06/2023 GIVEN UNDER RTI ACT FROM
THE OFFICE OF THE 2ND RESPONDENT

Exhibit - P13 TRUE COPY OF THE REPRESENTATION DATED
01/08/2023 SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT

Exhibit - P14 TRUE COPY OF THE POSTAL
ACKNOWLEDGEMENT OF EXHIBIT - P13

WPC 31882/23

..7..

Exhibit - P15	TRUE COPY OF THE ENROLLMENT CERTIFICATE ISSUED BY THE BAR COUNCIL OF KERALA
Exhibit - P16	TRUE COPY OF THE SSLC CERTIFICATE SHOWING CATEGORY OF THE PETITIONER
Exhibit - P17	TRUE COPY OF THE NON-CREAMY LAYER CERTIFICATE OF THE PETITIONER ISSUED FROM KOLLAM TALUK OFFICE