

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

MONDAY, THE 21ST DAY OF DECEMBER 2015/30TH AGRAHAYANA, 1937

WA.No. 2120 of 2015 () IN WP(C).28615/2015

AGAINST THE ORDER IN WP(C) 28615/2015 DATED 22.9.2015

APPELLANT(S)/RESPONDENT NO.2 IN WP[C]:-

THE MEDICAL COUNCIL OF INDIA
POCKET-14, SECTOR 8, DWARKA
PHASE-I, NEW DELHI, PIN-110 077.

BY ADV. SRI.TITUS MANI VETTOM, SC, MEDICAL COUNC

RESPONDENT(S)/PETITIONER/RESPONDENT NO.1 IN WP[C] :-

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1. SREE ANJANEYA MEDICAL TRUST
4TH FLOOR, KANCHAS COMPLEX, OPP. INDORE STADIUM
CALICUT-673 004.
 2. UNION OF INDIA
REPRESENTED BY THE SECRETARY, GOVT.OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE, NIRMAN BHAWAN
NEW DELHI-110 001.

R2 BY ADV. SRI.MANU.S, CGC
R1 BY SRI.P.SANJAY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 21-12-
2015 ALONG WITH W.A.2124/2015 & 2153/2015, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

jvt

**ASHOK BHUSHAN, C.J &
A.M. SHAFFIQUE, J.**

W.A. Nos.2120, 2124 & 2153 of 2015

Dated this the 21st day of December 2015

J U D G M E N T

Ashok Bhushan, CJ.

These three writ appeals have been filed by the Medical Council of India challenging the interim order passed by the learned Single Judge in W.P.(C) Nos.28615 of 2015, 28836 of 2015 and 29111 of 2015. Since the issue raised in these three appeals being similar in nature, we proceed to hear all the three writ appeals together. For deciding these writ appeals, it shall be sufficient to refer to the facts in W.A.No.2120 of 2015 arising from W.P.(C) No.28615 of 2015.

2. The petitioner, Sri.Anjaneya Medical Trust, is running a Medical College, which was established in 2010. The letter of permission was granted and the students were being admitted accordingly. The issue arose regarding the letter of permission for admission to the 6th batch for 2015. The permission was refused by Ext.P21 order of the Central Government dated 16.9.2015, which was under challenge in the writ petition. The learned Single Judge, by order dated 22.9.2015 directed the petitioner to

admit the students for the academic year 2015-'16. The Medical Council of India filed appeal challenging the said order.

3. After having heard the learned counsel for the parties, this Court modified the order of the learned Single Judge by order dated 29.9.2015. In paragraph 3 of the said order, the following was stated :-

“We have considered the submissions of the learned counsel for the parties and perused the records available. It is submitted by the learned counsel for the appellant that in view of the interim order, admission has already been completed. We only observe that admissions made in pursuance of the interim order, shall only be treated as provisional, without giving any right or equity to the College or their students. The learned counsel for the appellant submits that the writ appeals be heard in detail and the above referred interim order may be modified as indicated above. In view of the above matter, we modify the interim order as observed above.”

Admittedly, the writ petition is pending consideration and we have informed that the said writ petition is posted for hearing after Christmas holidays.

4. By order dated 29.9.2015, this Court modified the order of the learned Single Judge observing that the admission made in pursuance of the interim order shall be treated as provisional.

W.A. Nos.2120, 2124 & 2153 of 2015

-: 3 :-

Since the issue raised in the writ petitions are pending consideration and the writ appeals have been filed only against the interim orders passed by the learned Single Judge, which was modified by us directing the admissions already made were provisional, we are of the view that the writ petitions itself can be heard and decided, after hearing the parties. We make it clear that the admission made pursuant to the interim order passed by the learned Single Judge shall be treated as provisional, without giving any right or equity to the College or their students, which may be subject to final orders passed in the writ petitions, which are pending consideration before the learned Single Judge.

These writ appeals are disposed of as above.

Sd/-
ASHOK BHUSHAN
CHIEF JUSTICE

Sd/-
A.M. SHAFFIQUE
JUDGE

//TRUE COPY//

P.A. TO JUDGE

Jvt/21.12.2015.