

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 16TH DAY OF JANUARY 2015/26TH POUSHA, 1936

WP(C).No. 1640 of 2015 (D)

PETITIONER:

**DR.ANEES RAHMAN M.A.,
AGED 28 YEARS, S/O.M.ABDUL KAREEM,
ETTYTPARAMBIL HOUSE, P.O.PALLICKAL,
MALAPPURAM-673634.**

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENT(S):

- 1. UNION OF INDIA, REPRESENTED BY
SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT OF INDIA, NEW DELHI-110 001.**
- 2. THE MEDICAL COUNCIL OF INDIA,
REPRESENTED BY ITS PRESIDENT, SECTION-8,
POCKET 14, DWARAKA-1, NEW DELHI-110 077.**
- 3. NATIONAL BOARD OF EXAMINATIONS,
REP.BY ITS SECRETARY, MEDICAL ENCLAVE,
ANSARI NAGAR, MAHATMA GANDHI MARG
(RING ROAD), NEW DELHI-110 029.**
- 4. THE DEAN (PRINCIPAL),
GOVERNMENT MOHAN KUMARAMANGALAM
MEDICAL COLLEGE HOSPITAL, SALEM-636001.**

**R1 BY SRI.N.NAGARESH, A S G
R2 BY SRI.TITUS MANI VETOM, SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-01-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

mbr/

WP(C).No. 1640 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXHIBIT-P1: TRUE COPY OF THE CERTIFICATE NO.13062/RMB/R4.G4
DATED 24.05.2013.**
- EXHIBIT-P2: TRUE COPY FO THE ADMISSION LETTER DATED 20.06.2013.**
- EXHIBIT-P3: TRUE COPY OF THE RECEIPTS NO.228 DATED 14.09.2013 AND
NO.0907359 DATED 01.07.2013.**
- EXHIBIT-P4: TRUE COPY OF THE ADMISSION LETTER DATED 01.07.2013 ISSUED BY
THE 4TH RESPONDENT TO THE PETITIONER.**
- EXHIBIT-P5: TRUE COPY OF THE REQUEST DATED NIL SUBMITTED BY THE
PETITIONER BEFORE THE 4TH RESPONDENT.**
- EXHIBIT-P6: TRUE COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONER
BEFORE THE 2ND RESPONDENT DATED 26.12.2014.**
- EXHIBIT-P7: TRUE COPY OF THE JUDGMENT DATED 12.12.2008 PASSED BY THE
HONOURABLE HIGH COURT OF MADRAS IN W.P.NO.12923 OF 2008.**

RESPONDENT(S)' EXHIBITS: - **NIL**

/TRUE COPY/

P.A. TO JUDGE

mbr/

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 1640 of 2015

Dated this the 16th day of January, 2015

J U D G M E N T

The petitioner has approached this Court with the following prayers :

- (i) To issue a writ of mandamus commanding the Respondents 2 to 4 to release the certificates of the Petitioner which includes CBSE 10th plus two certificate, Travancore Cochin Medical Council Registration Certificate, CRRJ Certificates, Degree Certificate, M.B.B.S. Course Certificate, Disability Certificate, MBBS Examination Certificates First Year (2 certificates), second professional MBBS certificate, third professional MBBS Part-I certificate and Part-II certificate and Community Certificate, produced at the time of admission, and also to issue Transfer Certificate, including the Petitioner to discontinue the studies in Government Mohan Kumaramangalam Medical College, Selam, forthwith;*
- (ii) To issue a writ of mandamus commanding the 2nd and 3rd Respondents to consider and dispose of Exts.P-5 and by giving direction to the 4th Respondent to forthwith release the certificate produced by the Petitioner stated in Exts.P-5 and P-6, forthwith;*

2. The case of the petitioner is that, he got admission for M.S. (Orthopedic) Course in the 4th respondent institution who is a Government institution and all the certificates of the petitioner

have been surrendered before the said respondent in connection with the higher studies. But by virtue of some adverse circumstances, the petitioner was not in a position to pursue the studies. In the said circumstances, a request was made before the 4th respondent to return the documents, which was not acceded to. Then the petitioner moved the 2nd respondent by submitting Ext.P6 application. No action has been taken so far. Hence, this writ petition.

2. The learned Standing Counsel appearing for the 2nd respondent submits that, the said respondent's role is very limited especially with regard to the course and conduct of the studies/courses and that, no such direction as sought for vide Ext.P6 could be given by the said respondent for redressal of the grievances of the petitioner.

3. In view of the facts and circumstances of the case, this Court does not have any territorial jurisdiction over the 4th respondent and as such, it is for the petitioner to move the concerned High Court for appropriate relief, if so advised.

With the above observation, interference is declined. The writ petition is dismissed.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.