

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 1801 of 2015 (A)

PETITIONER(S):

**VIPIN SURESH V.K.,
S/O. DR. SURESH BABOO V.K., MEDICAL STUDENT,
RESIDING AT VARIAMKANDI HOUSE,
THAZHEKODU AMSOM KALOOR SHIVA TEMPLE ROAD,
P.O.MOKKAM, KOZHIKODE DISTRICT, PIN-673 602.**

**BY SRI.GRASHIOUS KURIAKOSE, SENIOR ADVOCATE
ADVS. SRI.GEORGE MATHEWS
SRI.T.T.RAKESH
SRI.K.P.HAREENDRAN**

RESPONDENT(S):

- 1. KERALA UNIVERSITY OF HEALTH SCIENCES,
REPRESENTED BY ITS REGISTRAR, THRISSUR - 680 596.**
- 2. THE CONTROLLER OF EXAMINATIONS,
KERALA UNIVERSITY OF HEALTH SCIENCES
THRISSUR - 680 596.**

BY ADV. SRI.P.SREEKUMAR, SC

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 1801 of 2015 (A)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- TRUE COPY OF THE EXAMINATION RESULTS OF THE PETITIONER
DATED 10-12-2014.**

**EXHIBIT P2- TRUE COPY OF THE COMMUNICATION DATED 26-03-2009 ISSUED BY
THE MEDICAL COUNCIL OF INDIA.**

**EXHIBIT P3- TRUE COPY OF THE JUDGMENT IN WRIT PETITION NO. 19327/2014
DATED 10-12-2014.**

**EXHIBIT P4- TRUE COPY OF THE JUDGMENT IN WRIT PETITION NO. 28480/2012
DATED 17-12-2012.**

**EXHIBIT P5- TRUE COPY OF THE REPRESENTATION OF THE PETITIONER
DATED 26-12-2014 TO THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

K.VINOD CHANDRAN, J.
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W.P.(C) No.1801 of 2015
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Dated this the 21st day of January, 2015

JUDGMENT

The petitioner is aggrieved with the denial of grace marks to the petitioner in MBBS Anatomy Practical Examination. The contention raised is that the decision of the University to interdict grace marks to practical examinations, would run counter to the regulation of the Medical Council of India. The specific issue with respect to the subject academic year itself has been answered by this Court in W.P.(C) Nos. 35305 of 2014 and 35306 of 2014 dated 13.01.2015.

2. The learned senior counsel appearing for the petitioner would rely on Ext.P4 judgment of this Court wherein reliance was placed on Writ Appeal No.409 of 2011. The learned senior counsel would submit that pursuant to Ext.P4, the University had granted the grace marks in the said case. It is to be noticed that Ext.P4 does not consider the subject matter of the issue but only notices the judgment of this Court in Writ Appeal No.409 of 2011 and the judgment of the Hon'ble Supreme Court. The issue was

directed to be considered by the University, on the submission of the University that if approached they would consider the issue. No dictum as such is discernible from Ext.P4. This Court in W.P.(C) No.35305 of 2014 however distinguished the judgment in Writ Appeal No.409 of 2011. In such circumstance, this Court does not find any binding precedent in Ext.P4, especially since the facts and the stipulations which led to the alleged grant is not before this Court. Hence, following the judgment in W.P.(C) Nos.35305 of 2014 and 35306 of 2014, the writ petition would stand dismissed.

Sd/-
K.VINOD CHANDRAN, JUDGE

vdv //True Copy// P.A to Judge