

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 27TH DAY OF JULY 2015/5TH SRAVANA, 1937

WP(C).No. 6222 of 2009 (W)

PETITIONER(S):

1. PRAVEEN R.,
S/O. K.K. RADHAKRISHNAN NAIR,
AGED 24 YEARS, 1ST YEAR, M.PHARM STUDENT,
AL SHIFA COLLEGE OF PHARMACY, PERINTHALMANNA.
2. MURALEEKRISHNAN E.,
1ST YEAR M.PHARM STUDENT,
AL SHIFA COLLEGE OF PHARMACY, PERINTHALMANNA.
3. SIMI S.P.,
1ST YEAR M.PHARM STUDENT,
AL SHIFA COLLEGE OF PHARMACY, PERINTHALMANNA.
4. SIJO JOY EDAPPALLY,
1ST YEAR M.PHARM STUDENT, AL SHIFA COLLEGE OF PHARMACY,
PERINTHAMANNA.
5. SHABEER ALI T.K.,
1ST YEAR M.PHARM STUDENT,
AL SHIFA COLLEGE OF PHARMACY, PERINTHALMANNA.

BY ADVS.SRI.SAJEEV KUMAR K.GOPAL &
SMT.AMBIKA RADHAKRISHNAN.

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT, HEALTH DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.
2. THE DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.S.JAMAL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
27-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ivs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1 : TRUE COPY OF THE PROSPECTUS FOR ADMISSION TO POST GRADUATE DEGREE IN PHARMACY (M.PHARM) KERALA 2007.
- EXT. P2 : TRUE COPY OF THE MEMO ISSUED BY THE 2ND RESPONDENT TO THE 1ST PETITIONER.
- EXT. P3 : TRUE COPY OF THE MEMO ISSUED BY THE 2ND RESPONDENT TO THE 2ND PETITIONER.
- EXT. P4 : TRUE COPY OF THE MEMO ISSUED BY THE 2ND RESPONDENT TO THE 3RD PETITIONER.
- EXT. P5 : TRUE COPY OF THE MEMO ISSUED BY THE 2ND RESPONDENT TO THE 4TH PETITIONER.
- EXT. P6 : TRUE COPY OF THE MEMO ISSUED BY THE 2ND RESPONDENT TO THE 4TH PETITIONER.
- EXT. P7 : TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE STUDENTS OF THE COLLEGE TO THE 2ND RESPONDENT.
- EXT. P8 : TRUE COPY OF THE ABOVE ORDER VIDE NO.GO(RT)NO.05/2009/H&FWD DATED 01/01/09.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. Vinod Chandran, J

W.P.(C).No.6222 of 2009-W

Dated this the 27th day of July, 2015

JUDGMENT

The petitioners, who are students of M.Pharm course, contend that they are not being paid stipend as per the prospectus, at Exhibit P1.

2. In any event, the petitioners were admitted to the post graduate course in the year 2008-09 and they would have completed the course. The petitioners were admitted by the 2nd respondent in the Self-Financing Medical College to the seats conceded by the Self-Financing colleges for filling up from the merit quota as per a specific seat sharing agreement with the Government. The petitioners contend that, M.Pharm students were entitled for stipend by way of a Government Order dated 07.01.2006. However, the same is not produced herein. In any event, the Government Order produced herein as Exhibit P8, is of the year 2009. The same specifically confines payment of such stipend to students of Government Medical Colleges. The petitioners cannot claim to be equivalent to the students filled up

from the merit quota under the Government Colleges for reason only of they being lower in the merit. They cannot also, hence, claim equal treatment as those students admitted in the Government Colleges. The Government is also not getting any amount of fees from the students and the admission to the Self-Financing Colleges is only a benefit conferred to those students in the merits list who could not get the seats in the Government Colleges itself. In such circumstance, no arbitrariness or discrimination can be found on Exhibit P8 order. The petitioners, admittedly, were admitted to the course in a private college, which has not been impleaded in the writ petition.

Taking all circumstances into consideration, this Court finds that the writ petition is devoid of merit and the same is accordingly dismissed. No costs.

Sd/-
K.Vinod Chandran
Judge.

vkul/-

[true copy]