

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

MONDAY, THE 2ND DAY OF MARCH 2015/11TH PHALGUNA, 1936

WP(C) .No. 8390 of 2009 (P)

PETITIONER(S) :

REENA JOSE,
W/O.JOSE, ARAKKAL HOUSE,
KUZHINILAM, MANANTHAVADY,
WAYANAD DISTRICT.

BY ADV. SRI.GRASHIOUS KURIAKOSE.

RESPONDENT(S) :

1. THE COMMISSIONER OF POLICE,
KOZHIKODE.
2. UNIVERSITY OF CALICUT,
REP. BY ITS REGISTRAR.
3. NATIONAL HOSPITAL COLLEGE OF NURSING,
POOLADIKKUNNU, KOZHIKODE,
REP. BY ITS MANAGER.

R,R2 BY ADV. SRI.P.C.SASIDHARAN, SC, CALICUT UTY.,
R,R2 BY ADV. SRI.SANTHOSH MATHEW,
R3 BY ADV. SRI.T.B.HOOD,
R3 BY ADV. SMT.M.ISHA &
BY GOVERNMENT PLEADER SRI. MANOJ KUNJACHAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

- EXT. P1- TRUE COPY OF THE LETTER DATED 04/01/2009 ISSUED BY THE 3RD RESPONDENT.
- EXT. P2- TRUE COPY OF THE NEWS ITEM PUBLISHED IN 'MATHRUBHOOMI' DAILY DATED 31/01/2009 REPORTING ABOUT THE SHERARD THE OFFICE OF THE 3RD RESPONDENT.
- EXT. P3- TRUE COPY OF THE REPRESENTATION DATED 17/02/2008 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXT. P4- TRUE COPY OF THE A/D CARD DATED 18/02/2009 SIGNED BY THE 2ND RESPONDENT.
- EXT. P5- TRUE COPY OF THE REPRESENTATION DATED 17/02/2009 FILED BY THE PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT. P6- TRUE COPY OF THE A/D CARD DATED 18/02/2009 SIGNED BY THE 1ST RESPONDENT.

RESPONDENT(S) ' EXHIBITS :

- EXT. R3(A) - TRUE COPY OF THE ORDER DATED 13/08/2008 OF THE REGISTRAR, KERALA NURSES AND MIDWIVES COUNCIL ACCORDING SANCTION FOR ADMISSION OF 7TH BATCH OF B.SC. NURSING STUDENTS IN THE COLLEGE FOR THE ACADEMIC YEAR 2008-09 WITH AN ANNUAL INTAKE OF 50 STUDENTS.
- EXT. R3(B) - TRUE COPY OF THE COVERING LETTER DATED 06/12/2008 OF THE COMMISSIONER FOR ENTRANCE EXAMINATIONS, ALONG WITH LIST OF 11 CANDIDATES ADMITTED DURING THE ACADEMIC YEAR 2008-2009.
- EXT. R3(C) - TRUE COPY OF THE REQUEST DATED 02/02/2009 MADE BY MR. JOST A.J., FOR RETURN OF THE ORIGINAL CERTIFICATES OF MS. ALEESHYA JOSE.
- EXT. R3(D) - TRUE COPY OF THE NOMINAL ROLL OF THE CANDIDATES REGISTERED FOR THE FIRST YEAR B.SC. NURSING EXAMINATION CONDUCTED BY THE 2ND RESPONDENT DURING OCTOBER, 2009.

- EXT. R3(E) - TRUE COPY OF THE STATEMENT OF MARKS DATED 18/03/2010 ISSUED BY THE 2ND RESPONDENT TO MS. SILPA STEPHAN FOR FIRST YEAR B.SC. NURSING EXAMINATION CONDUCTED DURING OCTOBER 2009.
- EXT. R3(F) - TRUE COPY OF THE STATEMENT OF MARKS DATED 18/03/2010 ISSUED BY THE 2ND RESPONDENT TO MR. MUNEER AHAMMED T., FOR FIRST YEAR B.SC. NURSING EXAMINATION CONDUCTED DURING OCTOBER 2009.
- EXT. R3(G) - TRUE COPY OF THE RELEVANT EXTRACT OF THE LIST OF COLLEGES OF NURSING FOR BASIC B.SC. (NURSING) PROGRAMME, PERMITTED TO ADMIT STUDENTS FOR THE ACADEMIC YEAR 2010-11, DOWNLOADED FROM THE OFFICIAL WEBSITE OF THE INDIAN NATIONAL COUNCIL.
- EXT. R3(H) - TRUE COPY OF THE LIST OF INSTITUTIONS AFFILIATED BY THE UNIVERSITY OF CALICUT, DOWNLOADED FROM THE OFFICIAL WEBSITE OF THE 2ND RESPONDENT ON 14/03/2011.
- EXT. R3(I) - TRUE COPY OF THE RECEIPT DATED 06/09/2008 ISSUED TO MS.ALEESHYA JOSE, AFTER COLLECTING A TOTAL SUM OF RS.35,400/- TOWARDS MISCELLANEOUS FEES UNDER DIFFERENT HEADS.
- EXT. R3(J) - TRUE COPY OF THE LETTER DATED 19/03/2009 OF THE 3RD RESPONDENT FURNISHING DETAILED EXPLANATION TO EXHIBIT P3.

/TRUE COPY/

P.A.TO JUDGE

RVS.

K. VINOD CHANDRAN, J

W.P(C)No. 8390 of 2009

Dated this the 02nd day of March, 2015

J U D G M E N T

The petitioner is the mother of a student who claims to have been desirous of pursuing B.Sc Nursing Course and was persuaded to join the 3rd respondent College which does not have an affiliation. The petitioner admittedly joined the course during the year 2008-2009.

2. The 3rd respondent college has produced Ext.R3(a), which is the proceedings of the Registrar of Kerala Nurses and Midwives Council, which granted sanction to the 3rd respondent College to carry on B.Sc Nursing for the academic year 2008-09. Ext.R3(b) is the allotment made by the office of the Commissioner for Entrance Examination, to the professional degree course, in the 3rd respondent College. Ext.R3(d) is the list of students from the 3rd respondent College, who were admitted to the examinations of the University of Calicut

for the I semester of the B.Sc Nursing course which commenced on 2008-2009.

3. The specific contention of the 3rd respondent College is that the petitioner's daughter joined the College on 15.09.2008, under the Management Quota and absented herself for 84 days out of a total of 135 days. It is alleged that the father of the student approached the college and demanded return of his daughter's original certificates. The request of the father of the student and the endorsement of acknowledgment of return of certificates is produced along with the counter affidavit at Ext.R3(c).

4. The petitioner in the above writ petition seeks for consideration of a representation at Ext.P5, filed before the Commissioner of Police. There is absolutely no provision by which a representation could have been filed before the Commissioner of Police. The petitioner definitely could have set the law in motion, at that point of time. However, at this distance of time,

there is absolutely no requirement for consideration of Ext.P5.

Writ petition is found to be devoid of merit and the same is dismissed.

Sd/-
(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

//P.A to Judge//