

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

MONDAY, THE 23RD DAY OF FEBRUARY 2015/4TH PHALGUNA, 1936

WP(C) .No. 5038 of 2015 (D)

PETITIONER(S) :

DR.SMITHA M. LUKOSE,
ASSISTANT DENTAL SURGEON,
M.C. CHERIAN MEMORIAL TALUK HOSPITAL,
RANNI, PATHANAMTHITTA,
RESIDING AT PYNUMMOOTIL HOUSE,
PERUMTHURUTHY P.O.,
THIRUVALLA, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.KALEESWARAM RAJ.

RESPONDENT(S) :

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1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF HEALTH & FAMILY WELFARE, SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
 2. THE COMMISSIONER FOR ENTRANCE EXAMINATIONS,
VTH FLOOR, HOUSING BOARD BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM - 695 001.
 3. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM - 695 001
 4. THE DIRECTOR OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM - 695 001.

BY SENIOR GOVERNMENT PLEADER SRI.M. MUHAMMED SHAFI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 23-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rvs.

APPENDIX

PETITIONER(S) ' EXHIBITS :

EXHIBIT P1 TRUE COPY OF THE PROSPECTUS FOR ADMISSION TO POST
GRADUATE DENTAL COURSES (MDS) 2015-2016.

EXHIBIT P2 TRUE COPY OF THE JUDGMENT BY THE HON'BLE SUPREME COURT
IN CIVIL APPEAL NO 297-298 OF 2015 REPORTED IN CDJ 2015
SC 24.

RESPONDENT(S) ' EXHIBITS :

NIL.

/TRUE COPY/

P.A.TO JUDGE

RVS.

P.R. RAMACHANDRA MENON, J.

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W.P.(C). No. 5038 of 2015

Dated this the 23rd day of February, 2015

JUDGMENT

The petitioner has approached this Court with the following prayers:

"i) to issue a writ of certiorari quashing the following part of clause 4.3 in Ext.P1 prospectus which reads as follows:

"Inter se seniority of actual Physical service, excluding leave without allowance with acquirement of eligibility in the PG Dental (MDS) Entrance Examination, Kerala 2015 will be the criterion for selection. The length of seniority of actual physical service in the concerned department excluding LWA will be the criterion. If there is tie in their actual physical service, the PSC seniority will be the criterion."

ii) to declare that the admission to the in-service quota in the P.G. Dental Courses (MDS) 2015-2016 in Kerala State is to be carried out and finalised strictly on the basis of the marks obtained by the candidates in the entrance test and that is should not be based on inter se seniority;

iii) to issue a writ of mandamus directing the respondent to prepare a select list for the service quota for P.G. Dental Courses(MDS) 2015-2016 purely on the basis of marks obtained by the candidates in the competitive examination;

iv) to issue a writ of mandamus directing the respondents to give admission to the petitioner to P.G. Dental Courses(MDS) 2015-2016 in service quota, solely based on the marks obtained by her in the entrance test conducted by the respondents;"

2. Today when the matter is taken up the learned Senior Government Pleader submits that the issue involved has already been considered by the Government who passed GO(Rt) NO. 602/2015/H&FWD dated 13.2.2015 whereby substantial modification has already been effected. The said order reads as follows:

"Government, as per the dictum of Hon'ble Supreme Court of India read as 2nd paper above are pleased to amend the relevant provisions of the Prospectus for Admission to Post Graduate Dental Courses (MDS), 2015-2016, as detailed below:

Sl. No.	Clause No./Table	Modifications
1	VII.4.8 Application and selection under Service quota	The sentence " <i>The controlling officer concerned for submitting compliance/objection</i> " is modified as follows: <i>"The Controlling Officer concerned (DME/DHS/DIMS) will verify the applications of such candidates and prepare a rank list on the basis of inter-se merit in the Entrance Examination".</i>
2	IV. Eligibility Test	The last sentence of the Paragraph 2 of the subtitle Eligible test is modified as follows: <i>"For Service quota candidates also the minimum marks for qualifying the Entrance Examination will be 50%".</i>

3. The learned counsel for the petitioner submits that, in view of the subsequent developments leading to the above G.O, the writ petition could be treated as closed.

The writ petition is closed recording the above submission.

Sd/-
P.R. RAMACHANDRA MENON,
JUDGE.

kp/-