

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

MONDAY, THE 23RD DAY OF MARCH 2015/2ND CHAITHRA, 1937

WP(C).No. 8438 of 2015 (D)

PETITIONER(S):

**APARNA AGED 26 YEARS
D/O.P.D.RAVI, VYSRAVAM, ERANJIPALAM
KOZHIKODE.**

BY ADV. SRI.K.PRAVEEN KUMAR

RESPONDENT(S):

- 1. KANNUR MEDICAL COLLEGE
REPRESENTED BY ITS ADMINISTRATOR, MAMBA P.O.
KANNUR - 670 611.**
- 2. THE ADMISSION SUPERVISORY COMMITTEE FOR
PROFESSIONAL COLLEGES
OLD HIGH COURT BUILDING, RAMMOHAN PALACE, HALL NO.VIII
ERNAKULAM - 682 031.**
- 3. KANNUR UNIVERSITY
REPRESENTED BY ITS REGISTRAR
KANNUR UNIVERSITY (P.O.) KANNUR - 670 706.**

**R1 BY ADV. SRI.K.R.AVINASH (KUNNATH)
R1 BY ADV. SRI.ABDUL RAOOF PALLIPATH
R3 BY SRI.V.A.MUHAMMED, SC, KANNUR UNIVERSITY
R2 BY SMT.MARY BENJAMIN, SC, ADMISSION SUPERVISORY COMMITTEE**

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 23-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 8438 of 2015 (D)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE ORDER OF THE ADMISSION SUPERVISORY COMMITTEE
DATED 15/03/2011.

EXT.P2: TRUE COPY OF THE INTERIM ORDER DATED 12/08/2011 IN WPC NO.
22114/2011

EXT.P3: TRUE COPY OF THE INTERIM ORDER DATED 30/01/2013 IN WPC.NO.
2643/2013.

RESPONDENT(S)' EXHIBITS NIL

//True Copy//

PA TO JUDGE

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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WP(C) No. 8438 of 2015
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Dated this the 23rd day of March, 2015

J U D G M E N T

Antony Dominic, J.

Petitioner was a student of MBBS Course in the 1st respondent Medical College, which is affiliated to the 3rd respondent University. She was admitted during the academic year 2007-08 and completed the course including House Surgency by April, 2014. According to the petitioner, as per the agreement entered into by the College with the Government, which was approved by the 2nd respondent Committee, the fee payable by a student like her, who was admitted in the merit quota, was only ₹20,000/- per year apart from an interest free refundable deposit of ₹2,50,000/-. It is her case that, contrary to that, the College has demanded ₹1,30,000/- as fee per year and despite compulsion, without paying the fee, pursuant to the orders obtained by the petitioner in the writ petitions filed before this Court, she has completed the course and passed the examination.

2. Now, her grievance is that, on the basis that amounts are due from her, the College is not completing the necessary formalities for enabling the petitioner to get herself registered with the

Travancore Cochin Medical Council. She also complains that the 1st respondent has not returned her SSLC Book and other certificates submitted at the time of admission. In this background, she has filed the writ petition with the following prayers;

“(a) issue a writ of mandamus or any other writ, order or direction to the 1st and 3rd respondents to carry out all necessary formalities so as to enable the petitioner to register her name with the Travancore-Cochin Medical Council.

(b) writ of mandamus to the 1st respondent to return the SSLC book and other certificates submitted by the petitioner at the time of admission and otherwise, to her as expeditiously as possible.

(c) to declare that the 1st respondent can only collect the tuition fee from the petitioner as permitted in Ext.P1.

(d) writ of mandamus to the 1st respondent to refund Rs.2,60,000/- (Rs.2,50,000/- interest free refundable deposit + Rs.10,000/- caution deposit), to the petitioner as expeditiously as possible.”

3. When the writ petition came up for orders before this Court on 17/3/15, Sri.K.R.Avinash entered appearance on behalf of the 1st respondent College and sought time for obtaining instructions in the matter. It was accordingly that the case was posted to today.

4. Today, when the matter was taken up, in so far as the prayers (a) and (b) are concerned, counsel for the College submitted that, within four weeks from today, with the concurrence of the University, the College will complete the formalities on its part in order to enable the petitioner to get registered with the Travancore Cochin Medical Council. He has also submitted that the College will, within two weeks from today, return to the petitioner SSLC Book and other certificates submitted by her at the time of admission. We record the above submission made by the learned counsel.

5. In so far as prayers (c) and (d) are concerned, counsel states that the order passed by the 2nd respondent Committee, viz., Ext.P1, approving the consensual agreement between the Management and the Government, is under challenge in WP(C) No.14762/11 and connected cases, which are pending before this

Court. The pendency of the writ petitions is not a matter which is disputed by the learned counsel for the petitioner also. If that be so, necessarily, prayers (c) and (d) cannot be granted at this stage and can be claimed by the petitioner only depending upon the outcome of WP(C) No.14762/11.

In the aforesaid circumstances, recording the submission of the learned counsel for the 1st respondent College in so far as prayers (a) and (b) are concerned, this writ petition is disposed of.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge