IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 20TH DAY OF NOVEMBER 2015/29TH KARTHIKA, 1937

WP(C).No. 9692 of 2015 (J)

PETITIONER:

SHIRIN THASNEEM .M.,
D/O.MUHAMMED ALI M., AGED 20 YEARS,
MANCHARA HOUSE, KARASSERY P.O,
KOZHIKODE DISTRICT.

BY ADV. SRI.U.K.DEVIDAS

RESPONDENT(S):

1. THE COMMISSIONER FOR ENTRANCE EXAMINATIONS,
HOUSING BOARD BUILDINGS, SANTHI NAGAR,
THIRUVANANTHAPURAM, PIN-695 001.

2. THE PRINCIPAL, AL-AZHAR MEDICAL COLLEGE,
EZHALLOOR, THODUPUZHA, IDUKKI DISTRICT-685 605.

3. THE PRINCIPAL, MALABAR MEDICAL COLLEGE
HOSPITAL AND RESEARCH CENTRE,
MODAKALLOOR P.O, ATHOLI,
KOZHIKODE DISTRICT-673 315.

4. THE REGISRAR,
KERALA UNIVERSITY OF HEALTH SCIENCES,
THRISSUR-680 009.

5. THE SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.

R1 & R5 BY GOVERNMENT PLEADER SRI.GIKKU JACOB
R2 BY ADV. SRI.TONY
R4 BY ADV. SRI.P.SREEKUMAR,SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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WP(C).No. 9692 of 2015 (J)

APPENDIX

PETITIONER(S)' EXHIBITS:

EXT P1 : **TRUE COPY OF THE RECEIPTS DATED 19.9.2014 FOR RS.1,75,000/-.**

EXT P2 : **TRUE COPY OF THE RECEIPT DATED 14.10.2014 FOR RS.85,300/-.**

EXT P2(A) : **TRUE COPY OF THE RECEIPT DATED 28.01.2014 FOR RS.23,250/-.**

EXT P3 : **TRUE COPY OF THE GO(RT)NO.518/2015/H & PWD DT 3.2.2015.**

EXT P4 : **TRUE COPY OF THE NOTIFICATION DT 3.3.2015.**

EXT P5 : **TRUE COPY OF THE ALLOTMENT MEMO OF THE PETITIONER DT 3.3.2015.**

EXT P6 : **TRUE COPY OF THE REPLY DT 6.3.2015 ISSUED BY THE SECOND RESPONDENT.**

EXT P7 : **TRUE COPY OF THE ORDER DT 16.7.2014.**

EXT P8 : **TRUE COPY OF THE INTERIM ORDER DT 6.3.2015 IN WPC.NO.7291 OF 2015.**

EXT P9 : **TRUE COPY OF THE PROVISIONAL ADMIT CARD ISSUED BY THE THIRD RESPONDENT.**

EXT P10 : **TRUE COPY OF THE RECEIPT FOR RS.25,000/- DT 7.3.2015.**

EXT P10(A) : **TRUE COPY OF THE RECEIPT FOR RS.67,500/- DT 7.3.2015.**

EXT P11 : **TRUE COPY OF THE AFFIDAVIT DT 7.3.2015 SUBMITTED BEFORE THE THIRD RESPONDENT.**

RESPONDENT(S)' EXHIBITS: **NIL**

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 9692 of 2015

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Dated this the 20th day of November, 2015

J U D G M E N T

The petitioner was admitted to MBBS course in the 2nd respondent college pursuant to allotment made by the first respondent, the Commissioner for Entrance Examinations under self financing quota and the petitioner had submitted the original certificates and paid tution fee of 1,75,000/-.

2. Thereafter based on the direction of the Hon'ble Supreme Court to fill the seats in Government quota in various private medical colleges, the petitioner was admitted in the 3rd respondent college under the Government quota. The petitioner joined the college of 3rd respondent in Government quota.

3. The petitioner approached this Court seeking a direction to the 2nd respondent to return the certificate produced by them at the time of admission. In the facts and circumstances this Court is of the view that the 2nd respondent has no right to withhold certificates of the petitioner. If the 2nd respondent has any

grievance in the matter he has to approach the first respondent Commissioner. The petitioner's allotment is based on the direction of the Hon'ble Supreme Court and based on the prospectus. In that view of the matter the writ petition is disposed of directing the 2nd respondent to return all the documents of the petitioner within two weeks from the date of receipt of the copy of this judgment.

The writ petition is disposed of, as above.

sd/-

sab A.MUHAMED MUSTAQUE, JUDGE