

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

WP(C).No. 11190 of 2015 (W)

PETITIONER :

**DR.NEETHU LATIFF, AGED 29 YEARS,
D/O.ABDUL LATIFF, "SADAKATH", PONOTH ROAD,
KALOOR, COCHIN-682 017**

BY ADV. SRI.T.M.ABDUL LATHEEF

RESPONDENT(S):

- 1. KERALA UNIVERSITY OF HEALTH SCIENCES,
REPRESENTED BY ITS REGISTRAR, THRISSUR-680 596**
- 2. VICE CHANCELLOR, KERALA UNIVERSITY OF HEALTH SCIENCES,
THRISSUR-680 596**
- 3. CONTROLLER OF EXAMINATIONS,
KERALA UNIVERSITY OF HEALTH SCIENCES, THRISSUR-680 596**
- 4. THE DEAN, M.E.S.MEDICAL COLLEGE, PERINTHALMANNA,
MALAPPURAM-676 505**
- 5. STATE OF KERALA, REPRESENTED BY THE SECRETARY TO
GOVERNMENT, HEALTH DEPARTMENT,
THIRUVANANTHAPURAM-695 001**

**R1 TO R3 BY ADV. SRI.P.SREEKUMAR,SC,KERALA UTY
R4 BY ADV. SRI.BABU KARUKAPADATH
R5 BY GOVERNMENT PLEADER SRI.R.RANJITH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08-04-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

sts

WP(C).NO.11190/2015

APPENDIX

PETITIONER'S EXHIBITS:

- P1 COPY OF THE MEDICAL CERTIFICATE DATED 9/3/2015 ISSUED BY VIJAYALEKSHMI MEDICAL CENTRE, ERNAKULAM.**
- P2 COPY OF THE RELEVANT PAGES OF THE HAND BOOK FOR NATIONAL BOARD EXAMINATION.**
- P3 COPY OF THE REPRESENTATION DATED 11/03/2015 SUBMITTED BY PETITIONER BEFORE THE 4TH RESPONDENT.**
- P4 COPY OF THE REPRESENTATION DATED 11/03/2015 SUBMITTED BY PETITIONER BEFORE THE 2ND RESPONDENT.**
- P5 COPY OF THE IDENTITY CARD.**

RESPONDENT'S EXHIBITS: NIL

/TRUE COPY/

P.S.TO JUDGE

sts

K.VINOD CHANDRAN, J

W.P.(C).No. 11190 of 2015

Dated 8th April, 2015

JUDGMENT

The petitioner is a Post Graduate student in M.S. Ophthalmology in the College of the 4th respondent affiliated to the 1st respondent. The learned counsel appearing for the petitioner contends that, the petitioner had been very regular in attendance and the present problem arose only because of the maternity leave she availed in the 1st year. Even with that, the petitioner had 75.6% of attendance in the 1st year and respectively 99 and 98% in the 2nd and final years. The petitioner in fact, relies on the Regulations of the University which speaks of attendance and contends that the same has to be reckoned on the basis of the three consecutive years and not for each respective years.

2. The learned Standing Counsel appearing for the respondent University in fact puts the matter in the correct perspective. The University submits that the course is of a three year duration and there is no separate syllabus and examination prescribed in each year. The stipulation as per the University Regulations is that in a calendar year, a student has to have 80% minimum attendance. In such circumstances, if there was any short fall of attendance in the 1st year, then that had to be made up by re-scheduling the 1st year to the extent of the shortfall. If that had been done by the respondent College then, definitely the petitioner would be entitled to appear for the examinations especially considering the percentage of attendance in the 2nd and 3rd years.

3. The learned counsel for the respondent College however, submits that the petitioner

would be permitted to appear for the additional classes, if required.

4. Even going by the Regulations what has to be done is re-scheduling. The petitioner availed of 69 days leave in the first year. Every student is entitled to avail of 73 days leave and the shortfall of the petitioner is to the extent of 16 days. Hence, in the 1st year though the petitioner has obtained only 75.6% of attendance, 16 days from the 2nd year would have to be considered as the extended period of the 1st year itself. In which event, the petitioner would have satisfied the 80% attendance in the 1st year itself.

5. The petitioner's course commenced on 11.06.2012 and normally the 1st year would have to be concluded by 10.06.2012. However, since the 1st year has to be reckoned to be extended by

16 days, the petitioner's 1st year would only end on 25.06.2013. Consequently, the 2nd year would have to be deemed to be commenced on 26.06.2013 and would extend upto 25.06.2014. The 3rd year would commence on 26.06.2014 and would end only on the conduct of examinations, since the last calendar year would have to include the examinations also.

6. In the above circumstances, the respondent College is directed to re-schedule the petitioner's course in accordance with what is indicated above and if the petitioner has 80% attendance as required by the University necessarily, the petitioner would have to be admitted to the examinations which are to be notified in April-2015. There is no requirement for any additional classes of 16 days, since what the College would have to do, is to re-schedule the course in accordance with what has

been suggested by the University and clearly indicated herein above and determine as to whether in such calendar years, the petitioner has 80% attendance.

The writ petition is disposed of, permitting the petitioner to appear for the examinations of the Post Graduate Course.

Sd/-

K.VINOD CHANDRAN
Judge

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