

**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT:**

**THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI**

**WEDNESDAY, THE 20TH DAY OF MAY 2015/30TH VAISAKHA, 1937**

**WP(C).No. 12721 of 2015 (M)**  
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**PETITIONER(S):**  
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**FEBIN S.VALIYATH, AGED 23 YEARS,  
HOUSE SURGEON, KANNUR MEDICA COLLEGE,  
ANCHARAKANDY P.O., KANNUR.**

**BY ADVS.SRI.KURIAN GEORGE KANNANTHANAM (SR.)  
SRI.TONY GEORGE KANNANTHANAM**

**RESPONDENT(S):**  
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- 1. THE KANNUR UNIVERSITY,  
REPRESENTED BY ITS REGISTRAR, CIVIL STATION P.O.,  
KANNUR-670 002.**
- 2. THE PRINCIPAL,  
KANNUR MEDICAL COLLEGE, ANCHARAKKANDY P.O.,  
KANNUR DISTRICT-670 567.**
- 3. THE SUPERINTENDENT,  
DISTRICT HOSPITAL, KOLLAM-691 001.**

**R1 BY SRI.V.A.MUHAMMED, SC, KANNUR UNIVERSITY  
R2 & 3 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION  
ON 20-05-2015, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:**

**PJ**

**APPENDIX**

**PETITIONER(S)' EXHIBITS**  
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- P1 : COPY OF THE CERTIFICATE OF PROVISIONAL REGISTRATION DTD.20.2.2015.**
- P2 : COPY OF THE REPRESENTATION DTD.20.2.2015 BY THE PETITIONER TO THE 2ND RESPONDENT.**
- P3 : COPY OF THE MEDICAL CERTIFICATE DTD.19.2.2015 SHOWING THE HEALTH CONDITION OF HER MOTHER.**
- P4 : COPY OF THE LETTER DTD.7.4.2015 FROM THE 3RD RESPONDENT.**
- P5 : COPY OF THE REPRESENTATION DTD.6.4.2015 FROM THE PETITIONER TO THE 1ST RESPONDENT.**
- P6 : COPY OF THE JUDGMENT DTD.5.4.2013 IN WPC NO.9240/2013 OF THIS HON'BLE COURT.**
- P7 : COPY OF THE JUDGMENT DTD.29.5.2013 IN WPC NO.13540/2013 OF THIS HON'BLE COURT.**

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

**/ TRUE COPY /**

**P.S. TO JUDGE**

**PJ**

**A.V. RAMAKRISHNA PILLAI, J.**

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**W.P.(C) No. 12721 of 2015**  
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**Dated this the 20<sup>th</sup> day of May, 2015**

**J U D G M E N T**

The petitioner, an MBBS student, who is undergoing her House Surgency (Internship) in the Kannur Medical College, has approached this Court for a direction to the university to grant NOC to complete the House Surgency at Government District Hospital, Kollam.

2. The petitioner alleges that she hails from Kollam and her mother is sick and needs care and attention at home. Therefore, she sought permission to do her house surgency at District Hospital, Kollam. She points out that the said hospital has given their NOC. The university has taken the stand that unless the Medical College gives their NOC, the university will not grant the same. It is with this background, the petitioner has come up before this Court.

3. Today, when the matter came up for hearing,

the learned Standing Counsel for the respondent university submitted that the Medical Council of India is a necessary party and as per the Regulations issued by the Medical Council of India, the student, who is undergoing MBBS course, has to do internship in the hospitals attached to the very institution, where he/she studies.

4. The learned senior counsel for the petitioner, per contra, would submit that there is no legal impediment in granting a transfer to the petitioner to the Government District Hospital, Kollam, without the jurisdiction of the Medical Council.

5. It is crucial to note that the respondent university, who is opposing the application, has no case that the District Hospital is incompetent for providing internship to the petitioner. Considering the number of patients attended by the District Hospitals in the State, it can be safely concluded that the petitioner would be getting more exposure if she undergoes the internship in the District Hospital, Kollam. Though it was submitted by

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the learned Standing Counsel for the respondent university that if the writ petition is allowed, the same would open the flood gate of petitions by other students, who intend to gravitate towards their home station, this Court is of the view that, that is not a genuine reason to reject the claim of the petitioner.

6. It is relevant to note that even the insistence by the Medical Council that the MBBS students should undergo internship in the hospitals attached to the very same college where they have studied, is with the object of securing a place to have their internship without being driven to the risk of running after other hospitals for internship after the completion of their studies. The said provision cannot be used against a student, who seeks to go out on valid grounds.

7. On a consideration of the entire materials now placed on record, this Court is of the view that the petitioner is entitled to the relief as prayed for.

In the result, the writ petition is allowed. The

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respondent university is directed to grant NOC to the petitioner to complete the remaining portion of her internship at the District Hospital, Kollam.

Formal orders to this effect shall be passed within a period of one week from the date of receipt of a copy of this judgment.

Sd/-  
**A.V. RAMAKRISHNA PILLAI**  
**JUDGE**

bka/-