

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 29TH DAY OF JUNE 2015/8TH ASHADHA, 1937

WP(C).No.13923 of 2015 (M)

PETITIONER:

**DR.NEETHA UNNIKRISHNAN,P.G.STUDENT,
DEPARTMENT OF PATHOLOGY,
GOVERNMENT MEDICAL COLLEGE,KOTTAYAM.**

**BY ADVS.SRI.LIJI.J.VADAKEDOM
SRI.RAJEEV JYOTHISH GEORGE**

RESPONDENT'S:

- 1. THE PRINCIPAL,GOVERNMENT MEDICAL COLLEGE,
KOTTAYAM-686007.**
- 2. DIRECTOR OF MEDICAL EDUCATION,
DIRECTORATE OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM-685001.**
- 3. CONTROLLER OF EXAMINATIONS,
KERALA UNIVERSITY OF HEALTH SERVICES,
THRISSUR-680596.**

**R1 & R2 BY GOVT. PLEADER SMT.K.T.LILLY.
R3 BY SRI.P.SREEKUMAR,SC,KERALA UTY.HEALTH &**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 29-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.13923 of 2015 (M)

APPENDIX

PETITIONER'S EXHIBITS:

- P1: A TRUE COPY OF THE CIRCULAR DATED 19.04.2013 ISSUED BY THE 2ND RESPONDENT.**
- P2: THE TRUE COPY OF THE EXAMINATION NOTIFICATION DATED 16.04.2015 ISSUED BY THE UNIVERSITY.**
- P3: THE TRUE COPY OF THE JUDGMENT DATED 08.04.2015 IN WPC.NO.11190/2015.**
- P4: THE COPY OF THE INTERIM ORDER DATED 06.05.2014 IN WPC.NO.11836/2014.**
- P4(a): THE COPY OF THE INTERIM ORDER DATED 2407.2014 IN WPC.NO.11836/2014.**

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.13923 of 2015

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Dated this the 29th day of June, 2015

JUDGMENT

The petitioner has approached this Court for a direction to the 3rd respondent University to permit her to write Post Graduate Examination as per Ext.P2 notification.

2. The petitioner is a student doing Post Graduate (P.G) course in the department of Pathology in the Medical College Hospital, Kottayam. The duration of the course is three years. The course is split into three academic years. However, no syllabus and separate examination are there in each year. The petitioner alleges that the examination is at the end of the third year.

3. As per Ext.P1 circular dated 19.4.2013 issued by the second respondent in accordance with the Post Graduate Medical Education Regulations, 2000, a P.G student has to attain 80% attendance in every year for being eligible to be promoted to the next year and if in any particular year there is a loss of attendance, the same should be made up by attending extension course in the same year itself.

4. During the first year of the petitioner's P.G Course that is from 2.7.2017 to 01.7.2013, the petitioner had entered on medical leave and maternity leave from 9.10.2012 to 22.11.2012 and from 15.4.2013 to 31.7.2013 respectively. She fell short of 55 days attendance to make up 80% attendance in the first year. The petitioner further alleges that she was given permission to do extension course from 1.8.2013 in order to make up the attendance for the days lost. Thus, on completing 55 days course on 24.9.2013, the petitioner attained 80% attendance and became qualified to be promoted to the second year which started on 25.9.2014. She got 80% attendance in the second year by 16.7.2014. Her third year started on 17.7.2014 wherein also she got more than 80% attendance.

5. Accordingly, after completion of second and third years in which also the petitioner had secured 80% attendance, she is now eligible to appear for the medical post graduate examinations scheduled to commence on 1.6.2-015 for which an attendance statement should be submitted by the first respondent on or before 11.5.2015 as per Ext.P2. The petitioner reliably understood that the first respondent has not submitted her attendance so far.

6. The petitioner points out that in a similar set of facts this Court by Ext.P3 judgment after considering the issue in detail permitted the petitioner therein to appear for the examination. It is with this background, the petitioner has come up before this Court.

7. This Court by interim order dated 8.5.2015 permitted the petitioner to appear for the Medical P.G Examinations in M.D Pathology subject to further orders of this Court.

8. Heard the learned counsel for the petitioner, the learned Senior Government Pleader and the learned standing counsel for the third respondent.

9. Admittedly, the course undergone by the petitioner is of three year duration and there is no separate syllabus and examination for each year.

10. Ext.P1 stipulates that in a calender year a student should have attended 80% of the total number of classes. If there is short fall of attendance in the first year, then that has to be made up by rescheduling the first year to the extent of the short fall. Had it been done by the first respondent college, definitely, the petitioner would have been entitled to appear for the examination, especially considering the percentage of attendance in the subsequent years.

11. As already pointed out, the petitioner fell short of 55% of attendance to make up 80% of attendance in the first year. This Court had occasion to consider similar situation in W.P(C) No.11190 of 2015 where this Court has directed to reschedule the course of the petitioner in that case.

Therefore, the writ petition is disposed of directing the first respondent college to reschedule the petitioner's course in the light of what has been stated above. If the petitioner has 80% attendance as required by the university, necessarily the petitioner would be entitled to be admitted to the examinations. There won't be any requirement for additional classes.

As the petitioner has taken up the examinations on the basis of the interim order already granted, the same is made absolute.

Sd/-
A.V.RAMAKRISHNA PILLAI
JUDGE

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