

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

FRIDAY, THE 3RD DAY OF JULY 2015/12TH ASHADHA, 1937

WP(C).No. 13924 of 2015 (M)

PETITIONER(S):

**DR. FARISHA O.V.,
P.G.STUDENT, DEPARTMENT OF DERMATOLOGY,
GOVERNMENT MEDICAL COLLEGE, KOTTAYAM.**

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

RESPONDENT(S):

- 1. THE PRINCIPAL,
GOVERNMENT MEDICAL COLLEGE,
KOTTAYAM-686 007.**
- 2. DIRECTOR OF MEDICAL EDUCATION,
DIRECTORATE OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM-685 001.**
- 3. CONTROLLER OF EXAMINATIONS,
KERALA UNIVERSITY OF HEALTH SCIENCES,
THRISSUR-680 596.**

**R1 & R2 BY GOVERNMENT PLEADER SRI.G.GOPAKUMAR
R3 BY ADV. SRI.P.SREEKUMAR,SC**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 13924 of 2015 (M)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT-P1: THE COPY OF THE CIRCULAR DATED 19.4.2013 ISSUED BY THE
2ND RESPONDENT.**

**EXHIBIT-P2: THE COPY OF THE EXAMINATION NOTIFICATION DATED 16.04.2015
ISSUED BY THE UNIVERSITY.**

EXHIBIT-P3: THE COPY OF THE JUDGMENT DATED 8.4.2015 IN W.P.(C) 11190/2015.

**EXHIBIT-P4: THE COPY OF THE INTERIM ORDER DATED 6.5.2014 IN
W.P.C.NO.11836/2014.**

**EXHIBIT-P4(A): THE COPY OF THE INTERIM ORDER DATED 24.7.2014 IN
W.P.(C) NO.11836/2014.**

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Ms v/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) No. 13924 of 2015

Dated this the 3rd day of July, 2015

J U D G M E N T

The petitioner has approached this Court for a direction to the respondent university to permit the petitioner to attend the Post Graduate Examination as per Ext.P2 notification.

2. The petitioner is a student doing Post Graduate course in the Department of Dermatology in the Medical College Hospital, Kottayam. The duration of the course is three years. The course is split into three academic years. But, no syllabus and separate examination is there in each year. The examination is at the end of the 3rd year. As per Ext.P1 circular dated 19.04.2013 issued by the 2nd respondent in accordance with the Post Graduate Medical Education Regulations, 2000, a PG student has to attain 80% attendance in every year of the course for being eligible to be promoted to the next year and if in

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any particular year, there is a loss of attendance, the same should be made up by attending extension course in the same year itself. During the first year of petitioner's PG Course, i.e., from 02.07.2012 to 01.07.2013, the petitioner had entered on maternity leave from 01.10.2012 to 28.01.2013. She fell short of 47 days attendance to make up 80% attendance in the 1st year. After the completion of the 1st year on 01.07.2013, she was given permission to do the extension course from 02.07.2013 till 18.08.2013 to make up the attendance for the days lost. Thus, on completing 47 days' course on 18.08.2013, the petitioner attained 80% attendance for the 1st year on 18.08.2013 and became qualified to be promoted to the 2nd year, which started from 19.08.2013. She got 87% attendance in the 2nd year, which was completed on 01.07.2014. Her 3rd year started on 02.07.2014, wherein also the petitioner got 100% attendance. Accordingly, after completion of the 2nd and 3rd years, in which also, she had secured 80% attendance,

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she is now eligible to appear for the medical post graduate examinations scheduled to commence on 01.06.2015, for which an attendance statement should be submitted by the 1st respondent on or before 11.05.2015 as per Ext.P2. The petitioner reliably understands that the 1st respondent has not submitted her attendance so far. The petitioner places reliance on Ext.P3 judgment and Ext.P4 interim order, wherein, this Court, after considering the issue, permitted the petitioners therein to appear for the examination. She further points out that vide Ext.P4(a) interim order, this Court directed the publishing of results also. Hence, this writ petition.

3. Arguments have been heard.

4. Today, when the matter was taken up, the learned counsel for the petitioner invited my attention to Ext.P3 judgment passed by this Court in a similar case, wherein this Court permitted to reschedule the petitioner's course as there is no examination during the first and second years, and permitted the petitioner to

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appear for the examinations.

Therefore, the writ petition is disposed of directing the respondent university to follow the procedure envisaged by Ext.P3 judgment and reschedule the attendance of the petitioner.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-