

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

THURSDAY, THE 9TH DAY OF JULY 2015/18TH ASHADHA, 1937

WP(C).No. 14453 of 2015 (F)

PETITIONER :

**DR. SINDHU.M.D., AGED 32 YEARS,
P. G. STUDENT, DEPARTMENT OF PULMONARY MEDICINE,
GOVERNMENT MEDICAL COLLEGE, THIRUVANANTHAPURAM**

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

RESPONDENTS :

- 1. THE PRINCIPAL, GOVERNMENT MEDICAL COLLEGE,
THIRUVANANTHAPURAM-695001**
- 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 GOVERNMENT PLEADER SMT. ANITHA RAVEENDRAN
R3 BY ADV. SRI.P.SREEKUMAR,SC,KERALA UTY.HEALTH &**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09-07-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

- P1:- THE COPY OF THE DIPLOMA CERTIFICATE AWARDED TO THE PETITIONER FROM FACULTY OF MEDICINE, KERALA UNIVERSITY.
- P2:- THE COPY OF THE CIRCULAR DTD 19/4/2013 ISSUED BY THE 2ND RESPONDENT.
- P3:- THE COPY OF THE EXAMINATION NOTIFICATION DTD 16/4/2015 ISSUED BY THE UNIVERSITY.
- P4:- THE COPY OF THE JUDGMENT DTD 8/4/2015 IN WPC NO 11190/2015.
- P5:- THE COPY OF THE INTERIM ORDER DTD 8/5/2015 IN WPC NO 13905/2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A. TO JUDGE

bp

A.V.RAMAKRISHNA PILLAI, J

WPC No.14453 of 2015

Dated this the 9th day of July, 2015

JUDGMENT

The petitioner, who was not permitted to sit for the PG examination by the respondent University, has come up before this Court for a positive direction against the third respondent to permit her to write the PG examination as per Ext.P3 notification.

2. The petitioner is a student doing Post Graduate course in the Department of Pulmonary Medicine in the Medical College Hospital, Thiruvananthapuram. Since the petitioner, as evident from Ext.P1 certificate is a P.G.Diploma holder, she is entitled to get relaxation of one year in the three year P.G. course thereby reducing the duration of the course to two years. According to the petitioner, the course is split into two academic years. But, no syllabus and separate examination is there prescribed in each year. The examination is at the end of the 2nd year.

3. According to the petitioner, as per relevant rules, a

P.G.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 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. According to the petitioner, during the first year of the petitioner's P.G.course that is from 16.8.2013 to 15.8.2014, the petitioner had availed maternity leave from 1.10.2013 to 28.1.2014 which caused a shortage of 47 days attendance. Therefore, after her rejoining for duty on 29.1.2014 she did her extension from 16.8.2014 and had attained 80% attendance for her 1st year on 30.10.2014 by completing 47 days course. Therefore, on 3.10.2014, she became qualified to be promoted to the 2nd year (final year) which started from 4.10.2014. She got 81.78% attendance in the 2nd year (final year) by 11.5.2015 i.e. the date fixed for the remittance of the fee for the examination which is to be started from 1.6.2015. According to the petitioner, she had secured 80% attendance in each academic years of her P.G.course and

hence, she is now eligible to appear for the medical post graduate examinations scheduled to commence on 1.6.2015 as per Ext.P3 notification. The attendance statement should be submitted by the first respondent on or before 11.5.2015 as per Ext.P3. The petitioner reliably understands that the first respondent has not submitted her attendance so far.

5. In a similar set of facts, this Court by Ext.P4 judgment, after considering the issue in detail, permitted the petitioner to appear for the examination. Further, in another writ petition (which is pending) this Court by Ext.P5 interim order allowed the petitioner to write the examination subject to further orders; so submitted the learned counsel for the petitioner. The petitioner seeks a positive direction from this Court to permit the petitioner to appear for the Medical Post Graduate Degree Examination.

6. I have heard the learned counsel for the petitioner, the learned standing counsel for the respondent University and the learned Government Pleader in the

matter.

7. The petitioner has attained 80% attendance in each of the academic years of the two year training programme. Evidently and admittedly too, there is no separate syllabus or examination for each year of the course. It is crucial to note that the only direction is to attain a minimum of 80% attendance in each year.

8. As rightly pointed out by the petitioner, the attendance which fell short in each year can be made good by attending an extension course. The shortage of attendance caused to the petitioner in her first year course was made good by undergoing subsequent training. Therefore, the second year has to be calculated from the date she attained 80% attendance for the first year. A similar situation was considered by this Court in Ext.P4 judgment in W.P(C) No.11190 of 2015 by which a similar candidate was granted permission to appear for the examination of the Post Graduate course.

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

css/

true copy

P.S.TO JUDGE