

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 12TH DAY OF JUNE 2015/22ND JYAISHTA, 1937

WP(C).No. 16915 of 2015 (L)

PETITIONER :

**LEKSHMI SUDEV
D/O.LATE SUDEV SUKUMARAN,
AGED 25 YEARS, ATHIRA, GRACE PARK
PALACE WARD, ALAPPUZHA.**

**BY ADVS.SRI.K.S.HARIHARAPUTHRAN
SRI.GEORGE MATHEW
SRI.SUNIL KUMAR A.G**

RESPONDENT(S) :

- 1. STATE OF KERALA
REP. BY THE SECRETARY TO HEALTH AND FAMILY WELFARE
THIRUVANANTHAPURAM- 695001.**
- 2. DIRECTOR OF MEDICAL EDUCATION
DIRECTORATE OF MEDICAL EDUCATION
THIRUVANANTHAPURAM - 695001.**
- 3. COMMISSIONER FOR ENTRANCE EXAMINATION
POST GRADUATE MEDICAL ENTRNCE EXAMINATION 2015
(PGM-2015), THIRUVANANTHAPURAM - 695001.**
- 4. SHAHIDA
VELLEDATHU HOUSE,
THURUTHI ROAD, NEAR M.E.S.SCHOOL
THIRUVANANTHAPURAM DISTRICT-695001.**

**R1 TO R3 BY SR. GOVT. PLEADER SRI. ROSHEN D. ALEXANDER
R4 BY ADVS. SRI.T.B.HOOD
SMT.M.ISHA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12-06-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 16915 of 2015 (L)

APPENDIX

PETITIONERS' EXHIBITS :

**EXHIBIT-P1: TRUE COPY OF RELEVANT PAGES OF PROSPECTUS FOR ADMISSION
TO MEDICAL POST GRADUATE DEGREE/DIPLOMA COURSES-2015,
ISSUED BY THE 2ND RESPONDENT.**

**EXHIBIT-P2: TRUE COPY OF THE RELEVANT PAGES OF RANK LIST DATED
07.03.2015.**

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.S. TO JUDGE

Mn

K. Vinod Chandran, J.

W.P(C) No.16915 of 2015-L

Dated this the 12th day of June, 2015

JUDGMENT

The petitioner, who was ranked 1532 in the Post-graduate Medical Entrance Examination, challenges the option exercised and admission granted to the 4th respondent, who had a far higher rank at 747.

2. Both the petitioner and the 4th respondent had attended for the spot allotment conducted on 02.06.2015. The 4th respondent is said to have first opted for Diploma course in Anesthesia and then for Diploma in Psychiatric Medicine (DPM) and later for M.D. in Transfusion Medicine. The 4th respondent, eventually by her rank, secured admission to M.D. in Transfusion Medicine.

3. The petitioner contends that an option once exercised cannot be resiled from and even when the petitioner opted for Diploma course in Anesthesia, the seat in the M.D. Transfusion Medicine was available.

4. The learned Senior Government Pleader and the learned counsel appearing for the 4th respondent would explain as to how the spot allotment is done. The Rules governing the 'Centralised Allotment' would not be applicable, since all the candidates in the rank list are invited for a spot allotment on a particular day. Going by the rank, the candidates are called and directed to exercise their option. Options are exercised by the candidates and as per the comparative merit of the candidates who exercised their option in a particular branch, the allotment is made.

5. The specific clause which regulates the spot allotment is Clause 11-1.18 of the prospectus for the examination; in accordance with which the 4th respondent's allotment has been made. There is neither a ground that there is any deviation nor a challenge against such regulation. The contention only is that the 4th respondent could not have made an indiscriminate option for the course to which she was admitted after having not exercised another option.

6. The 4th respondent, definitely, opted for M.D. in Transfusion Medicine; but, however, was not sure of securing the same and, therefore, opted for two other courses, that too Diploma courses. As per the spot allotment scheme, when option for allotment is made to different courses, no candidate would be aware of the course finally allotted to him/her. Definitely the end result would depend on the comparative merit of the candidates who opted for a particular course. In this case the 4th respondent, who was found to be high in the rank from amongst the candidates who opted for M.D. Transfusion Medicine, was allotted the seat. The petitioner who was far lower in merit, cannot claim any preference over the 4th respondent. This Court does not find any reason to interfere with the said allotment.

Writ petition fails and would stand dismissed. No costs.

Sd/-
K. Vinod Chandran,
Judge

vkul

[true copy]