

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

WEDNESDAY, THE 15TH DAY OF JULY 2015/24TH ASHADHA, 1937

WP(C).No. 17794 of 2015 (Y)

PETITIONER :

**SHILPA CHARLES, AGED 24 YEARS,
D/O. A.P.S MANIYAN, ELAVUNKAL HOUSE, 7TH MILE,
THALIPARAMBA, PIN - 670 141.**

**BY ADVS.SRI.S.MUHAMMED HANEEFF
SMT.K.L.LAKSHMI RANI**

RESPONDENT(S):

- 1. THE KANNUR UNIVERSITY,
REPRESENTED BY ITS REGISTRAR,
CIVIL STATION P.O., KANNUR.**
- 2. THE PRINCIPAL,
KANNUR MEDICAL COLLEGE, KANNUR DISTRICT,
ANCHARAKKANDY.**
- 3. THE SUPERINTENDENT,
DISTRICT HOSPITAL, KANNUR.**

**R1 & R2 BY SRI.V.A.MUHAMMED, SC, KANNUR UNIVERSITY
R3 BY GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 15-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

sts

WP(C).No. 17794 of 2015 (Y)

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT-P1- TRUE COPY OF THE CERTIFICATE ISSUED TO THE PETITIONER FROM KANNUR UNIVERSTIY DATED 16/02/2015.

EXHIBIT-P2- TRUE COPY OF THE CERTIFICATE OF PROVISIONAL REGISTRATION GRANTED TO THE PETITIONER FROM THE TRAVANCORE COCHIN MEDICAL COUNCIL DATED 20/02/2015.

EXHIBIT-P3- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE PRINCIPAL, KANNUR MEDICAL COLLEGE IN FEBRUARY, 2015.

EXHIBIT-P4- TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE REGISTRAR OF KANNUR UNIVERSITY.

EXHIBIT-P5- TRUE COPY OF THE NO OBJECTION CERTIFICATE ISSUED BY THE SUPERINTENDENT, DISTRICT HOSPITAL, KANNUR DATED 27/05/2015.

EXHIBIT-P6- TRUE COPY OF THE JUDGMENT IN W.P(C).NO. 12721/2015 DATED 20/05/2015.

EXHIBIT-P7- TRUE COPY OF THE CERTIFICATE ISSUED BY THE DOCTOR AT TALUK HEADQUARTERS HOSPITAL, THALIPARAMBA, KANNUR

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.A.TO JUDGE

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A.V.RAMAKRISHNA PILLAI, J.

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W.P(C) No.17794 of 2015

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Dated this the 15th day of July, 2015

JUDGMENT

The petitioner is aggrieved by the inaction on the part of the respondent university to grant NOC to the petitioner to pursue her internship in a different institution other than the one from which she secured MBBS.

2. The petitioner completed MBBS Degree Examination from the respondent university and she obtained a provisional registration from the Travancore Cochin Medical Council. Ext.P1 is the respective Degree Certificate of the petitioner and Ext.P2 is the provisional registration by the said Council.

3. The petitioner commenced her internship at Kannur Medical College. The petitioner alleges her mother is suffering from certain health problems and, therefore, she has to look after her mother. Therefore, the petitioner submitted Ext.P3 representation before the second respondent and Ext.P4 representation before the Registrar of respondent university praying that she be permitted to complete her internship from the District Hospital, Kannur. The Superintendent of District Hospital, Kannur issued Ext.P5 NOC

wherein it was put on record that the said office has no objection in permitting the petitioner to do her internship at the District Hospital, Kannur.

4. The petitioner points out that for doing internship in a hospital other than the one where the course was undertaken, NOC of the concerned university is a mandatory requirement. Here, in spite of the request of the petitioner, the respondents are not permitting her to do internship at the District Hospital, Kannur. Ext.P6 is the judgment of this Court by which the case of similarly placed student was considered by this Court and the respondent university was directed to grant NOC to enable the said student to pursue his internship in a different hospital. It is with this background, the petitioner has come up with this writ petition.

5. Arguments have been heard.

6. 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 has undergone MBBS Course, has to do internship in the hospitals attached to the very institution, where he/she studies.

7. The learned counsel for the petitioner, *per contra*, would submit that there is no legal impediment in granting a transfer to the petitioner to the District Hospital, Kannur, without the junction of the Medical Council.

8. It is crucial to note that the respondent university, who is opposing the application, has no case that the District Hospital, Kannur 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, Kannur. Though it was submitted by the learned Standing Counsel for the respondent 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.

9. 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.

10. 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 respondent university is directed to grant NOC to the petitioner to pursue her internship in a different institution other than the one from which she secured MBBS. 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

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