

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 19TH DAY OF JUNE 2015/29TH JYASHTA, 1937

WP(C).No.17917 of 2015 (L)

PETITIONER:

**SREE ANJANEYA MEDICAL TRUST,4TH FLOOR,
KANCHAS COMPLEX,OPP.INDORE STADIUM,
CALICUT-673 004,REP. BY DR.SUDHA ANIL (TRUSTEE).**

**BY SRI.KURIAN GEORGE KANNANTHANAM (SENIOR ADVOCATE)
ADVS.SRI.P.SANJAY
SMT.A.PARVATHI MENON**

RESPONDENT'S:

- 1. UNION OF INDIA,REPRESENTED BY THE SECRETARY,
GOVT. OF INDIA,MINISTRY OF HEALTH AND FAMILY WELFARE,
NIRMAN BHAVAN,NEW DELHI- 110001.**
- 2. THE MEDICAL COUNCIL OF INDIA,
POCKET -14,SECTOR-8,DWARAKA,
PHASE -1,NEW DELHI-110077.**
- 3. THE KERALA UNIVERSITY OF HEALTH SCIENCES,
MEDICAL COLLEGE P.O,THRISSUR 680 596,
REPRESENTED BY ITS REGISTRAR.**

**R1 BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL OF INDIA
SRI.MANU.S,CGC.**

R2 BY SRI.TITUS MANI VETOM,SC,MEDICAL COUNCIL OF INDIA

**R3 BY SRI.P.SREEKUMAR,SC,KERALA UTY.HEALTH SCIENCES
SRI.BECHU KURIAN THOMAS, SC,UNIVERSITY OF KERALA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 19-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

pk

WP(C).No.17917 of 2015 (L)

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1-TRUE COPY OF THE PERMISSION DATED 3.6.2015 ISSUED BY THE 1ST RESPONDNET.

EXT.P2-TRUE COPY OF THE REPRESENTATION DATED 2.5.15 ADDRESSED TO THE 3RD RESPONDENT UNIVEERSITY.

EXT.P3-TRUE COPY OF THE LETTER DATED 13.5.2015 ADDRESSED BY THE 3RD RESPONDENT UNIVERSITY.

EXT.P4-TRUE COPY OF THE REPRESENTATION DATED 18.5.15 TO THE 3RD RESPONDNET UNIVERSITY.

EXT.P5-TRUE COPY OF THE LETTER DATED NIL FROM THE 2ND RESPONDENT MCI.

EXT.P6-TRUE COPY OF THE REPRESENTATION DATED 14.6.15 TO THE 2ND RESPONDENT MCI.

EXT.P7-TRUE COPY OF THE LETTER DATED 14.6.15 TO THE 1ST RESPONDENT.

EXT.P8-TRUE COPY OF THE ORDER ISSUED BY THE 1ST RESPONDENT.

RESPONDENT'S EXHIBITS:

NIL

//TRUE COPY//

P.S. TO JUDGE

pk

K. VINOD CHANDRAN, J.

W.P.(C) No. 17917 of 2015 (L)

Dated this the 19th day of June, 2015

J U D G M E N T

The above writ petition, against the recommendation of the Medical Council of India to withdraw permission to admit students, was filed by the petitioner and came up for admission on 15.6.2015. The Central Government Counsel took time to get instructions and on 17.6.2015 it was submitted that there was no order, as such, passed. In such circumstance, this Court had directed the petitioner to be issued with notice and afford an opportunity for hearing by interim order dated 17.6.2015.

2. Today, an application has been filed in which Ext.P8 order dated 15.6.2015 has been produced, i.e. the date on which the case came up for admission. The learned Central Government Counsel having submitted on instruction; it was not proper for the Government to have passed the order at Ext.P8.

3. Ext.P8 is hence set aside only for reason of the same having violated the principles of natural justice. The petitioner shall appear before the 1st respondent on **30.06.2015** and the office of the Ministry of Health and Family Welfare shall give a personal intimation of date of hearing, at any rate within two weeks from that date and the matter shall be heard and orders passed. It is made clear that this Court has not considered the merits of the matter at all. The condition that no admission shall be carried on without affiliation from the Kerala University of Health Science, definitely would continue.

In the nature of the orders passed, this Court is of the opinion that the matter need not be kept pending. The contentions of either parties are left open.

Writ petition is disposed of.

Sd/-
K.VINOD CHANDRAN,
JUDGE