

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN

FRIDAY, THE 6TH DAY OF FEBRUARY 2015/17TH MAGHA, 1936

WP(C).No. 26367 of 2008 (L)

PETITIONER(S) :

1. DR.E.UNNIKRISHNAN, SREE LAKSHMI,
ENGINEERING COLLEGE.P.O, THRISSUR DT.

2. DR.JEEVAN KUMAR.S, POURNAMI MNRA 69 A,
KADAKAMPALLY LANE, ANAYARA.P.O, THIRUVANANTHAPURAM.

BY ADVS.SRI.BIJI MATHEW
SRI.B.V.JOY SANKER

RESPONDENT(S) :

1. STATE OF KERALA REPRESENTED BY THE
PRINCIPAL SECRETARY TO GOVERNMENT HEALTH AND
FAMILY WELFARE DEPARTMENT, GOVERNMENT SECRETARIAT
THIRUVANANTHAPURAM-1.

2. THE COMMISSIONER OF ENTRANCE
EXAMINATIONS, HOUSING BOARD, THIRUVANANTHAPURAM.

3. DIRECTOR OF INDIAN SYSTEM OF MEDICINE,
THIRUVANANTHAPURAM.

4. DIRECTOR OF AYURVEDA MEDICAL EDUCATION,
THIRUVANANTHAPURAM.

5. CENTRAL COUNCIL OF INDIAN MEDICINE,
REPRESENTED BY ITS REGISTRAR CUM SECRETARY
INSTITUTIONAL AREA, JANAKAPURI, NEW DELHI.

6. THE SECRETARY, MINISTRY OF HEALTH AND
FAMILY WELFARE, NEW DELHI.

R, BY ADV. GOVERNMENT PLEADER SHRI.E.M.ABDUL KHADER
R,R5 & 6 BY ADV. SHRI.GEORGE ZACHARIA, CGC
R BY SRI N.NAGARESH,ASST.SOLICITOR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
06-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC 26367/2008

PETITIONER'S EXTs:

EXT.P1: TRUE COPY OF THE PROSPECTUS FOR POST GRADUATE COURSES IN
AYURVEDA, KERALA 2007-08

EXT.P2: -DO- OF THE NOTIFICATION IN CONNECTION WITH THE ENTRANCE
EXAMINATION DT.5.5.2008

EXT.P3: -DO- CATEGORY WISE RANK LIST OF THE ENTRANCE EXAMINATION DT.
30.7.08

EXT.P4: -DO- NOTIFICATION OF THE 1ST RESPONDENT DT.22.8.08 ENHANCING
THE SERVICE QUOTA (MEDICAL OFFICERS WORKING UNDER THE INDIAN SYSTEMS
OF MEDICINE)

EXT.P5: -DO- NEWS ITEM PUBLISHED IN THE MALAYALA MANORAMA DAILY
DT.23.8.08

EXT.P6: -DO- OF THE REPRESENTATION SUBMITTED BY THE POST GRADUATE
STUDENTS ASSOCIATION DT.19.8.08

EXT.P7: -DO- SUBMITTED BY THE 1ST PETITIONER BEFORE THE 1ST
RESPONDENT DT.29.8.08

JJ

/TRUE COPY/

P.S.TO JUDGE

K. SURENDRA MOHAN,J.

W.P(C) NO.26367 OF 2008

Dated this the 6th February, 2015.

JUDGMENT

This writ petition has been filed seeking the following reliefs:-

i) a writ of certiorari or other writ order or direction calling for the records leading to the issuance of Ext.P4 and quash the same as illegal, unjust arbitrary and is violation to the Constitution of India

ii) a writ, order or other appropriate order or direction directing the 2nd respondent to admit candidates only in accordance with the ranks in the rank list Ext.P3 for the year 2007-08

iii) direct the respondents 1 to 4 to admit the petitioners to the Post Graduate (Ayurveda) Course 2007-08

iv) such other order or direction this Hon'ble Court deem fit and proper in the circumstances of

the case.”

The petitioners were the applicants for admission to the Post Graduate Course in Ayurveda during the year 2007–08. They had appeared for the entrance examination during that particular year. The last date for submission of the application for the course was 31.5.2008. In the above circumstances, the Government issued Ext.P4 order enhancing seats reserved for medical officers working under the Indian System of Medicines for admission to Post Graduate (Ayurveda) Course from 1 to 4. According to the petitioners, the increase in the number of seats so reserved as per Ext.P4 would result in a reduction in the number of seats available for allotment to the general candidates. Therefore they have filed this writ petition for quashing Ext.P4 and for a consequential direction to respondents 1 to 4 to admit the petitioners in the Post Graduate Ayurveda Course 2007–08. The only interim order granted in this case was that the admissions granted would be subject to the result of this writ

petition. This writ petition has been pending for the past seven years. The persons who had obtained admission during the year 2007-08 would already have passed out by now. Probably for the above reason that there is no representation for the petitioner. I notice that there was no representation on the previous occasions also. In view of the above this writ petition is dismissed as infructuous.

Sd/-
K. SURENDRA MOHAN
Judge

jj

/True copy/

