

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

TUESDAY, THE 4TH DAY OF AUGUST 2015/13TH SRAVANA, 1937

WP(C).No. 23398 of 2015 (Y)

PETITIONER:

**VIJEESH W.S.,
FINAL YEAR MBBS (2010 ADMISSION),
GOVERNMENT MEDICAL COLLEGE,
KOZHIKODE - 673 008.**

**BY ADVS. SRI.T.B.HOOD
SMT.M.ISHA**

RESPONDENT(S):

- 1. KERALA UNIVERSITY OF HEALTH SCIENCES,
REPRESENTED BY ITS REGISTRAR,
MEDICAL COLLEGE P.O, THRISSUR - 680 596.**
- 2. THE VICE CHANCELLOR,
KERALA UNIVERSITY OF HEALTH SCIENCES,
MEDICAL COLLEGE P.O, THRISSUR - 680 596.**
- 3. THE CONTROLLER OF EXAMINATIONS,
KERALA UNIVERSITY OF HEALTH SCIENCES,
MEDICAL COLLEGE P.O, THRISSUR - 680 596.**
- 4. THE MEDICAL COUNCIL OF INDIA,
POCKET-14, SECTOR-8, DWARAKA PHASE-1,
NEW DELHI-110 077,
REPRESENTED BY ITS SECRETARY.**
- 5. THE PRINCIPAL,
GOVERNMENT MEDICAL COLLEGE,
KOZHIKODE - 673 008.**

**R1 TO R3 BY SRI.P.SREEKUMAR, SC
R4 BY ADV. SRI.TITUS MANI VETOM, SC
R5 BY GOVERNMENT PLEADER SMT.K.A.SANJEETHA**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 04-08-2015 ALONG WITH WPC.23422/2015 & WPC/23432/2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- P1 - TRUE COPY OF THE RELEVANT PAGES OF THE REGULATIONS ON GRADUATE MEDICAL EDUCATION, 1997 ISSUED BY THE MEDICAL COUNCIL OF INDIA.
- P2 - TRUE COPY OF THE RELEVANT PAGES OF THE RULES AND REGULATIONS ISSUED BY THE UNIVERSITY FOR MBBS COURSE.
- P3 - TRUE COPY OF THE RELEVANT PAGES OF THE REGULATIONS, CURRICULUM AND SYLLABUS OF UNDERGRADUATE MEDICAL COURSES (MBBS) ISSUED BY THE UNIVERSITY.
- P4 - TRUE COPY OF THE FINAL YEAR MBBS EXAMINATION RESULT OF THE PETITIONER.
- P5 - TRUE COPY OF THE INTERIM ORDER DATED 17.07.2015 IN WRIT PETITION (C) NO.20866/2015.

RESPONDENTS' EXHIBITS: **NIL.**

//TRUE COPY//

P.S. TO JUDGE

mbr/

A.V. RAMAKRISHNA PILLAI, J.

W.P.(C) Nos. 23398, 23422 & 23432 of 2015

Dated this the 4th day of August, 2015

J U D G M E N T

The petitioners, who have completed the MBBS Examination under the respondent university and have failed in the practical examination in one subject for 5 marks and below in the final year MBBS examination conducted by the respondent university, have come up before this Court seeking a direction to the respondent university to award grace marks to them.

2. According to the petitioners, in terms of Ext.P2 University Rules, which was in force when the petitioners got admission for MBBS in 2010, grace marks up to a maximum of five in total can be awarded at the discretion of the Passing Board to a student to pass one subject (theory/practical/oral) provided the student passed in all other subjects. It was further pointed out that the university framed Ext.P3 Regulations, wherein grace

mark was restricted to theory only. Challenging Ext.P3, WP(C) No.20866/2015 was filed before this Court and pursuant to Ext.P5 interim order in the said writ petition, the university considered the issue regarding award of grace marks for practical examination. According to the petitioners, it is learned that the university decided to award grace marks for the practical examination of the petitioners in that writ petition. The petitioners in WP(C) No.20866/2015 and the petitioners herein belong to the same batch and they appeared in the same MBBS examination in April, 2015. According to the petitioners, there cannot be any discrimination in the matter of awarding grace marks to the students appeared in the same examination. Hence, this writ petition.

3. I have heard the learned counsel for the petitioners and the learned Standing Counsel for the respondent university.

4. WP(C) No.20866/2015 was disposed of on 03.08.2015 on a submission made by the learned

Standing Counsel for the respondent university that the university has decided to award grace marks to those students, who have failed in one subject for want of five marks or below in practical examination.

In the light of the above, these writ petitions are disposed of directing the respondent university to implement the said decision and to publish results and also to issue consequential marks to the students, if they are otherwise eligible.

Sd/-
A.V. RAMAKRISHNA PILLAI
JUDGE

bka/-