

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE

WEDNESDAY, THE 28TH DAY OF OCTOBER 2015/6TH KARTHIKA, 1937

WP(C).No. 27542 of 2013 (P)

PETITIONER(S) :

**THE PRINCIPAL,
PMS COLLEGE OF DENTAL SCIENCES AND RESEARCH,
THIRUVANANTHAPURAM 695 028**

**BY ADVS.SRI.KURIAN GEORGE KANNANTHANAM (SR.)
SRI.TONY GEORGE KANNANTHANAM
SRI.THOMAS GEORGE**

RESPONDENT(S) :

- 1. KERALA UNIVERSITY OF HEALTH SCIENCES,
REPRESENTED BY ITS REGISTRAR, MEDICAL COLLEGE P.O.,
THRICHUR 680 596**
- 2. THE REGISTRAR,
KERALA UNIVERSITY OF HEALTH SCIENCES
MEDICAL COLLEGE P.O, THRICHUR 680596**

R1,R2 BY ADV. SRI.P.SREEKUMAR,SC,KERALA UTY.HEALTH

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-10-2015, ALONG WITH WPC. 12526/2014, THE COURT ON THE
SAME DAY DELIVERED THE FOLLOWING:**

AMV

WP(C).No. 27542 of 2013 (P)

APPENDIX

PETITIONER(S)' EXHIBITS :

- EXHIBIT P1 : COPY OF THE NOTIFICATION DATED 15-12-2012 ISSUED BY THE COMMISSIONER FOR ENTRANCE EXAMINATION.
- EXHIBIT P2 : COPY OF THE NOTIFICATION DATED 29-06-2013 ISSUED FROM THE DENTAL COUNCIL OF INDIA.
- EXHIBIT P3 : COPY OF THE CIRCULAR DATED 09-07-2013 ISSUED BY THE IST RESPONDENT.
- EXHIBIT P4 : COPY OF THE LETTER DATED 31-07-2013 ISSUED FORM THE PETITIONER TO THE IST RESPONDENT.
- EXHIBIT P5 : COPY OF THE MEMO DATED 30-08-2013 ISSUED BY THE GOVERNMENT OF KERALA, DIRECTORATE OF MEDICAL EDUCATION.
- EXHIBIT P6 : COPY OF THE4 COVERING LETTER DATED 30-08-2013 FROM THE PETITIONER TO THE IST RESPONDENT.
- EXHIBIT P7 : COPY OF THE LETTER DATED 05-09-2013 ISSUED FROM THE PETITIONER TO THE IST RESPONDENT.
- EXHIBIT P8 : COPY OF THE CIRCULAR DATED 06-09-2013 ISSUED BY THE IST RESPONDENT.
- EXHIBIT P9 : COPY OF THE LETTER DATED 15-10-2013 ISSUED FROM THE IST RESPONDENT TO THE PETITIONER.
- EXHIBIT P10 : COPY OF THE PAGE NO.122 OF THE CASH BOOK.
- EXHIBIT P11 : COPY OF THE RECEIPT NO.316 DATED 31.07.2013.
- EXHIBIT P12 : COPY OF THE REGISTER FOR 31.07.2013 OF PMS COLLEGE 2013 - 2014.
- EXHIBIT P13 : COPY OF THE RECEIPT NO.315 DATED 31.07.2013.

RESPONDENT(S)' EXHIBITS : NIL

/TRUE COPY/

P.A.TO JUDGE

AMV

A.M.SHAFIQUE, J.

.....
W.P.(C) Nos.27542 of 2013 & 12526 of 2014

.....
Dated this the 28th day of October, 2015

JUDGMENT

These writ petitions concern the admission given to the petitioner in W.P.(C) No.12526 of 2014 for the MDS course, which was being conducted by the PMS College of Dental Sciences and Research, Thiruvananthapuram, for the academic year 2013-2014.

- 2.The short issue involved in these writ petitions is with regard to the uploading of the admission of the candidate to the University website. It is not in dispute that the last date for admission of the candidate to the course was on 31.07.2013. According to the petitioners the candidate was admitted on the said date and his fee was also collected. Since he did not produce the original documents, the details of his admission was not uploaded on the same day. The college also has a case that, in the meantime, an extension has been granted for admitting Government quota students by 30.08.2013. Proceeding on the basis of that, the time for giving admission details of candidate to University has been extended up to 30.08.2013, nothing was done in the matter.

The name of the candidate was given to the University along with the admission particulars of other candidates as hard copy. The University, however, did not accept the hard copy of admission in respect of the aforesaid candidate. By an interim order passed by this Court, he had attended the course and has already appeared for the first year examination.

3.The contention urged on behalf of the petitioner in W.P.(C) No.27542 of 2013 is that the failure to upload the particulars of the admission of the candidate was only on account of a mistake and proceeding on the basis that there was further time upto 30.08.2013. Hence the petitioner's sought for regularisation of the admission of the aforesaid candidate.

4.A statement is filed by the University objecting to the relief sought for in the writ petitions clearly indicating that as per the rules, all admissions are to be uploaded before the midnight of 31.07.2013. This is to avoid any sort of discrepancies or manipulation in the admission process. It is also submitted that the schedule of the admission had been

fixed by the Dental Council of India and as per the judgment of the Supreme Court, there cannot be any extension of time as well. Under such circumstances, the uploading of the particulars of the candidate, admitted as on 31.07.2013; is strictly followed by the University and no concession can be given to the petitioners.

5. During the course of hearing, the petitioners have produced the materials including the copy of fee receipt and the fee register indicated that the admission was in fact given to the candidate on 31.07.2013.

6. On facts, it can be inferred that the admission had been made on 31.07.2013. The only infirmity presently observed is regarding non-uploading of the particulars regarding the admission on 31.07.2013. This, however, is a very crucial aspect and no concession could be given to such admissions which are not uploaded into the website of University with the specified time. However, as there is evidence to indicate that, he was admitted on 31.07.2013, permitted to continue the course and also the fact that he had already written the first year examination, as a special case and not

to be as a precedent, I am of the view that he should be permitted to complete the course

7.The learned counsel for the petitioner in W.P.(C) No.12526/2014 submits that the petitioner was unable to present the thesis and topic of library dissertation within the specific time as his admission had not been regularised. Since the writ petition is being allowed, the petitioner shall be at liberty to approach the University for presenting the aforesaid papers within the time frame fixed by the University.

8.However, taking into account of the factual circumstances involved in the matter, I am of the view that some cost has to be imposed on the college for not complying with the requirements as per the University regulations. Accordingly, there will be a direction to pay an amount of Rs.10,000/- (Rupees Ten thousand only) as cost, which shall be paid by the petitioner in W.P.(C) No.27542/2013 within a period of one month to the University by way of Demand Draft in favour of 'The Registrar, Kerala University of Health Sciences'.

9. In the result, these writ petitions are allowed as under :

- i. There will be a direction to the University to regularise the admission of Dr.Sumesh Chandran R., for the MDS course which commenced during the academic year 2013 - 2014 on payment of cost of Rs.10,000/- (Rupees Ten thousand only) within one month from the date of receipt of a copy of this judgment.
- ii. The result of the candidate shall be declared after regularisation of the admission.
- iii. The candidate is permitted to approach the University seeking permission to present the thesis and topic of library dissertation.

Sd/-

A.M.SHAFFIQUE, JUDGE

AMV/29/10/