

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.V.RAMAKRISHNA PILLAI

MONDAY, THE 17TH DAY OF AUGUST 2015/26TH SRAVANA, 1937

WP(C).No. 24992 of 2015 (Y)

PETITIONER(S):

- 1. ADARSH. V.S., REG. NO.110010508,
2011 MBBS REGULAR BATCH,
GOVERNMENT MEDICAL COLLEGE,
THIRUVANANTHAPURAM.**
- 2. AKHIL U., REG. NO.110010516,
2011 MBBS REGULAR BATCH,
GOVERNMENT MEDICAL COLLEGE,
THIRUVANANTHAPURAM.**
- 3. ABDUL ARAFATH, REG. NO.110010502
2011 MBBS REGULAR BATCH,
GOVERNMENT MEDICAL COLLEGE,
THIRUVANANTHAPURAM.**
- 4. ANIL. A. REG. NO.110010538
2011 MBBS REGULAR BATCH,
GOVERNMENT MEDICAL COLLEGE,
THIRUVANANTHAPURAM.**
- 5. ARUN. K., REG. NO.110010553
2011 MBBS REGULAR BATCH,
GOVERNMENT MEDICAL COLLEGE,
THIRUVANANTHAPURAM.**
- 6. BHAGYARAJ .S., REG. NO.110010572,
2011 MBBS REGULAR BATCH,
GOVERNMENT MEDICAL COLLEGE,
THIRUVANANTHAPURAM.**
- 7. DOMINIC MATHEWS, REGISTER NUMBER 110011987,
2011 MBBS REGULAR BATCH,
MALANKARA ORTHODOX SYRIAN CHURCH MEDICAL COLLEGE,
KOLENCHERY.**

**BY SRI.S.SREEKUMAR, SENIOR ADVOCATE.
ADVS. SRI.P.MARTIN JOSE,
SRI.P.PRIJITH,
SRI.THOMAS P.KURUVILLA,
SRI.AJAY BEN JOSE.**

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. BOARD OF ADJUDICATION OF STUDENTS GRIEVANCE,
KERALA UNIVERSITY OF HEALTH SCIENCES,
MEDICAL COLLEGE P.O., THRISSUR-680 596,
REPRESENTED BY ITS CHAIRMAN.
6. THE ACADEMIC COUNCIL,
THE KERALA UNIVERSITY OF HEALTH SCIENCES,
MEDICAL COLLEGE P.O., THRISSUR-680 596.

R1 TO R3, R5 & R6 BY ADV. SRI.P.SREEKUMAR, SC.
R4 BY ADV. SRI.TITUS MANI VETTOM, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-08-2015, ALONG WITH WP(C).NO.24993 OF 2015,THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- EXT.P1 COPY OF THE MARK LIST OF THE 1ST PETITIONER DATED 03/08/2015.
- EXT.P2 COPY OF THE MARK LIST OF THE 2ND PETITIONER DATED 03/08/2015.
- EXT.P3 COPY OF THE MARK LIST OF THE 3RD PETITIONER DATED 03/08/2015.
- EXT.P4 COPY OF THE MARK LIST OF THE 4TH PETITIONER DATED 03/08/2015.
- EXT.P5 COPY OF THE MARK LIST OF THE 5TH PETITIONER DATED 03/08/2015.
- EXT.P6 COPY OF THE MARK LIST OF THE 6TH PETITIONER DATED 03/08/2015.
- EXT.P7 COPY OF THE MARK LIST OF THE 7TH PETITIONER DATED 03/08/2015.
- EXT.P8 COPY OF THE RELEVANT PAGES OF THE REGULATIONS ON GRADUATE MEDICAL EDUCATION, 1997 ISSUED BY THE MEDICAL COUNCIL OF INDIA.
- EXT.P9 COPY OF THE RELEVANT PAGES OF THE RULES AND REGULATIONS ISSUED BY THE 1ST RESPONDENT UNIVERSITY FOR MBBS COURSE.
- EXT.P10 COPY OF THE RELEVANT PAGES OF THE REGULATIONS, CURRICULUM AND SYLLABUS OF UNDERGRADUATE MEDICAL COURSES (MBBS) ISSUED BY THE UNIVERSITY.
- EXT.P11 COPY OF THE RELEVANT PAGES OF THE MINUTES OF THE MEETING OF THE 5TH RESPONDENT.
- EXT.P12 COPY OF THE REPRESENTATION DATED 05/08/2015 SUBMITTED BY THE 1ST PETITIONER.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.V.RAMAKRISHNA PILLAI, J.

W.P.(C)Nos.24992 and 24993 of 2015

Dated this the 17th day of August, 2015.

J U D G M E N T

The petitioners appeared for MBBS degree examination and failed in one subject for deficiency of less than five marks in practical examinations of that subject. The rules that existed when the petitioner joined the MBBS degree programme provides for grant of 5 marks to students who fails in one subject for deficiency of 5 marks either in theory or practical. Subsequently without following the mandatory procedure, the 1st respondent sought to restrict the grant of moderation of 5 marks to theory paper only. When the same was challenged before this Court, the 1st respondent decided to grant moderation for practicals as well ; it is alleged. The petitioners also seek for extending that benefit to them as they are also similarly placed. It is with this background, that the petitioners have approached

this Court.

2. I have heard the learned senior counsel for the petitioners and the learned Standing counsel for the respondent University.

3. The learned senior counsel for the petitioners invited my attention to the minutes of the meeting of the Board of Adjudication of Student's Grievance of the respondent University, held on 24.7.2015, which is produced and marked as Ext.P10 in W.P.(C) No.24993 of 2015. Agenda item no.5 relates to award of grace marks to the candidates who failed in one subject. The said decision was taken by the University in the light of the direction of this Court in W.P.(C)No.20866/15. Therefore, this Court is of the view that the petitioners who are similarly situated are also entitled to get the same benefit.

4. Therefore, these writ petitions are disposed of directing the respondent nos.1, 5 and 6 to award grace marks subject to a maximum of '5' to the petitioners who

failed in practical examination of Third Professional MBBS Degree Part I Regular and Supplementary Examinations, as the case may be and to declare the result on the basis of the same and issue fresh mark list and the consequential Certificates if any, within a period of 3 weeks of receipt of copy of this judgment.

Sd/-
A.V.RAMAKRISHNA PILLAI,
Judge.

ami/

//True copy//

P.A.to Judge