

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WP(C).No. 27692 of 2014 (J)

PETITIONER(S):

1. DR. DHANYA C.D., AGED 26 YEARS,
D/O.DHARMAN C.P., RESIDING AT CHALLIYIL HOUSE,
ELANKUNNAPUZHA P.O., ERNAKULAM DISTRICT,
PIN - 682 503.
2. RISHYA V.,
W/O.JITHESH C.P., RESIDING AT CHEVAKARAPOYIL,
NANMINDA.P.O., KOZHIKODE DISTRICT, PIN - 673 613.
3. ANJANA T.R., AGED 27 YEARS,
D/O.RAVINDRAN S, RESIDING AT SARAS, ANRA 117 (A),
NEAR SASTHA TEMPLE, KARIAVATTOM P.O.,
THIRUVANANTHAPURAM, PIN - 695 581.

**BY ADVS.SRI.P.T.DINESH
SRI.C.N.SAMEER**

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
2. THE SELECTION COMMITTEE,
REPRESENTED BY ITS CHAIRMAN AND CONVENOR,
(PRINCIPAL & CONTROLLING OFFICER,
HOMOEOPATHIC MEDICAL EDUCATION,
GOVERNMENT HOMOEOPATHIC MEDICAL COLLEGE, IRANIMUTTOM,
THIRUVANANTHAPURAM - 9).
3. THE PRINCIPAL AND CONTROLLING OFFICER,
HOMOEOPATHIC MEDICAL EDUCATION,
GOVERNMENT HOMOEOPATHIC MEDICAL COLLEGE, IRANIMUTTOM,
THIRUVANANTHAPURAM - 9.

BY GOVERNMENT PLEADER SRI.MANOJ KUNJACHAN

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
30-10-2015, ALONG WITH WPC. 29460/2014 & WPC. 33310/2014,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE RELEVANT PART OF THE PROSPECTUS FOR ADMISSION TO THE POST GRADUATE DEGREE COURSES IN HOMEOPATHY (MD (HOMOE)) FOR THE YEAR 2014 - 15 ISSUED BY THE PRINCIPAL & CONTROLLING OFFICER.

EXHIBIT P2: TRUE COPY OF THE G.O (RT) NO. 1663/2014/H&FWD DATED 26/05/2014 BY THE GOVERNMENT OF KERALA, HEALTH AND FAMILY WELFARE DEPARTMENT.

EXHIBIT P3: TRUE COPY OF THE RELEVANT PART OF THE RANK LIST (PROVISIONAL) OF ENTRANCE EXAMINATION FOR ADMISSION TO MD HOMOE 2014 DATED 23/09/2014 ISSUED BY THE COMMISSIONER FOR ENTRANCE EXAMINATIONS.

EXHIBIT P4: TRUE COPY OF THE CATEGORY WISE LIST (PROVISIONAL) ISSUED BY THE COMMISSIONER FOR ENTRANCE EXAMINATIONS DATED 10/10/2014.

EXHIBIT P5: TRUE COPY OF THE RELEVANT PART OF THE DATE OF EVENTS OF ENTRANCE EXAMINATION OF PG HOMOEOPATHY 2014 PUBLISHED BY THE COMMISSIONER FOR ENTRANCE EXAMINATIONS IN THEIR OFFICIAL WEBSITE WWW.CEE.KERALA.ORG.

EXHIBIT P6: TRUE COPY OF THE RELEVANT PART OF THE PUBLICATION PERTAINS TO THE COURSES APPROVED BY THE KERALA UNIVERSITY OF HEALTH SCIENCES, THRISSUR FOR THE YEAR 2014.

EXHIBIT P7: TRUE COPY OF THE RELEVANT PART OF THE NEWS PUBLISHED ON 22/10/2014 IN MALAYALA MANORAMA DAILY.

EXHIBIT P8: TRUE COPY OF THE G.O (RT) NO. 1767/2014/H&FWD DATED 30/05/2014 BY THE GOVERNMENT OF KERALA, HEALTH AND FAMILY WELFARE (J) DEPARTMENT.

EXHIBIT P9: TRUE COPY OF THE G.O (P) NO. 203/2014/H & FWD DATED 03/07/2014 BY THE HEALTH AND FAMILY WELFARE (J) DEPARTMENT.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

A. MUHAMED MUSTAQUE, J

.....
**W.P.(C).Nos. 27692, 29460,
& 33310 of 2014**

.....
Dated this the 30th day of October, 2015

JUDGMENT

These writ petitions are relating to the admission of students for post graduate programme in M.D. (Homoeopathy).

2. The controversy in these writ petitions is only limited to the extent of admitting students for M.D programme after 30/11/2014. Some of the petitioners were admitted to M.D programme based on the interim order after 30/11/2014.

3. The learned Assistant Solicitor General submits that the Central Government had fixed the cut-off date by 30/11/2014. The petitioners case is that there is no cut-off date prescribed by the Central Council of

Homeopathy and also by the University and therefore, they are entitled for admission after 30/11/2014.

4. The learned Assistant Solicitor General also submits that it is for the Central Government to decide on fixation of the cut-off date and not for the Central Council of Homeopathy or for the University.

5. In W.P.(C).No.33310 of 2014, it is to be noted in Ext.P19, issued by the Government of India, the following directions were given :

“Therefore, the Central Council of Indian Medicine and Central Council of Homoeopathy is hereby requested to notify immediately the extension of the cut-off date of admissions in UG and PG courses in the ASU&H colleges till 30th November, 2014 for the academic session 2014-15, as a one-time measure and to circulate it to all concerned colleges, Universities and State Governments and it may also be placed on the Council's website for wider publicity.”

6. The learned counsel for the petitioners submit that the Central Government has no authority or power to fix the cut-off date as above.

7. The learned Assistant Solicitor General further submits that in matter relating a higher education, the Central Government has necessary power to fix such cut-off date. It is to be noted that the Government of India has communicated on cut-off date first time only on 28/10/2014. Therefore, I am not adverting to the question whether the Central Government has a power or not.

In view of the fact that it was only communicated after the admission process, leaving open the issues, the writ petition is closed in the light of the interim order making it absolute.

Sd/-

**A. MUHAMED MUSTAQUE
JUDGE**

bpr