

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

THURSDAY, THE 10TH DAY OF DECEMBER 2015/19TH AGRAHAYANA, 1937

WP(C).No. 32013 of 2015 (B)

PETITIONER(S):

ASWANI HARI PRASAD, AGED 21 YEARS,
S/O.LATE SRI.SUDEVAN, ASWATHI HOUSE,
MOLLANKAVU P.O., SULTHAN BETHERI,
WAYANAD DISTRICT.

BY ADV. SRI.T.RAJASEKHARAN NAIR.

RESPONDENT(S):

1. THE DIRECTOR, DEPARTMENTAL HEALTH SERVICE,
HEALTH DIRECTORATE, THIRUVANANTHAPURAM -695 001.
2. THE REGISTRAR, HEALTH DEPARTMENT,
NURSING COUNCIL, THIRUVANANTHAPURAM-695 001.
3. THE PRINCIPAL,
GOVERNMENT SCHOOL OF NURSING,
PANAMARAM, WAYANAD DISTRICT-673 121.
4. THE DISTRICT MEDICAL OFFICER, (HEALTH),
OFFICE OF THE DISTRICT MEDICAL OFFICER,
MANANTHAVADI, WAYANAD DISTRICT-673 121.

* ADDL. R5 IMPEADED

5. THE REGISTRAR,
KERALA NURSING COUNCIL, GENERAL HOSPITAL JN.,
THIRUVANANTHAPURAM-695 001.

* IMPEADED AS PER ORDER DATED 11/11/2015 IN I.A. NO.16052/2015.

R1 TO R4 BY GOVT. PLEADER SMT.C.K. SHERIN.
ADDL. R5 BY ADV. SRI.N.RAGHURAJ, SC.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

rs.

APPENDIX

PETITIONER'S EXHIBITS:-

- P1: A TRUE PHOTOCOPY OF THE ORDERS DATED 07/11/2014 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
- P2: A TRUE PHOTOCOPY OF THE LETTER DATED 05/12/2014 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
- P3: A TRUE PHOTOCOPY OF THE ORDER DATED 05/12/2014 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.
- P4: A TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- P5: A TRUE PHOTOCOPY OF THE JUDGMENT PASSED BY THIS COURT IN WP(C).NO.10257/2015 PASSED BY THIS COURT.
- P6: A TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- P7: A TRUE PHOTOCOPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT.
- P8: A TRUE PHOTOCOPY OF THE COMMUNICATION DATED 16/09/2015 ISSUED BY THE 3RD RESPONDENT TO THE PETITIONER.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 32013 of 2015

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Dated this the 10th day of December, 2015

J U D G M E N T

The petitioner is a 3rd year General Nursing student in the 3rd respondent Nursing School. The petitioner has successfully passed 1st and 2nd year examination. The petitioner submits that he was suspended in 3rd year, on account of that he could not appear for the final year examination. It is submitted that though he completed the course he is denied to undergo internship. Accordingly, he approached this Court for a direction to permit him to undergo internship.

2. In the statement filed before this Court by the 3rd respondent it is stated that the petitioner has been suspended for valid reasons and if he fulfill all the requirement of 3rd year, he can appear for 3rd year supplementary examination scheduled in the month of February and he can start internship thereafter.

3. The learned standing counsel for the Kerala Nursing

Council submits that the petitioner can be permitted to undergo internship, if he fulfills the condition for eligibility to appear for 3rd year examination. The eligibility is that the petitioner must have 75% of the attendance.

4. This Court is of the view that if the petitioner has 75% of attendance, he shall be permitted to undergo internship. Otherwise, the petitioner shall be permitted to undergo internship only after writing 3rd year examination. It is made clear that it is not necessary to undergo the 3rd year examination to do the internship and the moment he acquires eligibility he shall be permitted to undergo.

The writ petition is disposed of, as above.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE