

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 22ND DAY OF DECEMBER 2015/1ST POUSHA, 1937

WP(C).No. 34911 of 2015 (L)

PETITIONER :

**GOPIKA S. MENON, AGED 19 YEARS
D/O.SANKARANKUTTY M.P., POLICE QUARTERS, NO.18
LALOOR, P.O. ELTHURATH, THRISSUR-680611.**

**BY ADVS.SRI.RAJIT
SMT.V.VIJITHA**

RESPONDENT(S) :

- 1. UNION OF INDIA
REPRESENTED BY MINISTRY OF HEALTH & FAMILY WELFARE
NEW DELHI – 110 001.**
- 2. MEDICAL COUNSELING COMMITTEE (MCC)
DIRECTORATE GENERAL OF HEALTH SERVICE
MINISTRY OF HEALTH & FAMILY WELFARE,
NEW DELHI-110 001.**
- 3. DIRECTORATE OF MEDICAL EDUCATION
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM-695 001.**
- 4. THE PRINCIPAL
GOVERNMENT MEDICAL COLLEGE,
ERNAKULAM – 682 035.**
- 5. THE PRINCIPAL
GOVERNMENT MEDICAL COLLEGE,
THRISSUR- 680 001.**

**R1 BY ADVS. SRI.N.NAGARESH, ASST. S.G. OF INDIA
SMT.MAHESWARY G., CGC
R3 TO R5 BY GOVT. PLEADER SRI. ROSHEN D. ALEXANDER**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 22-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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...2/-

WP(C).No. 34911 of 2015 (L)

APPENDIX

PETITIONERS' EXHIBITS :

EXHIBIT-P1: PROVISIONAL ALLOTMENT LETTER DATED 09.09.2015 ISSUED TO THE PETITIONER.

EXHIBIT-P2: ADMISSION LETTER ISSUED TO THE PETITIONER.

EXHIBIT-P3: APPLICATION SENT BY THE PETITIONER TO 5TH RESPONDENT COLLEGE.

EXHIBIT-P4: LETTER SENT BY THE PETITIONER TO 4TH RESPONDENT COLLEGE.

EXHIBIT-P5: TRUE COPY OF THE JUDGMENT IN WPC.NO.30931/2015.

EXHIBIT-P6: TRUE COPY OF THE LETTER DATED 04.11.2015.

RESPONDENT(S)' EXHIBITS :

EXT. R3(a) COPY OF THE UNIVERSITY ORDER DATED 17.7.2013.

EXT. R3(b) COPY OF REGULATION 6 AS AMENDED FROM TIME TO TIME OF THE MCI REGULATIONS OF GRADUATE MEDICAL EDUCATION, 1997 ISSUED BY THE MEDICAL COUNCIL OF INDIA.

//TRUE COPY//

P.S. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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**W.P.(C).No.34911/2015**  
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Dated this the 22nd Day of December, 2015

J U D G M E N T

The petitioner is an MBBS student undergoing studies at the Government Medical College, Ernakulam pursuant to the third allotment. She seeks for a transfer to the Government Medical College, Thrissur.

2. The third respondent has filed a counter affidavit. The learned Government Pleader relies on Ext.R3(b) amended regulations of the Medical Council of India on Graduate Medical Education, 1997 (amended upto February 2012) wherein, sub clause 3 of clause 6 "Migration" reads as follows:

"3. The applicant candidate shall be eligible to apply for migration only after qualifying in the first professional MBBS examination. Migration during clinical course of study shall not be allowed on any ground."

3. In the light of the above, the petitioner can seek transfer only after one year. Therefore, if the petitioner files an

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-:2:-

application after first year as above, she shall be considered in the vacancy available in Government Medical College, Thrissur.

The writ petition is disposed of, as above.

**Sd/-
A.MUHAMED MUSTAQUE, JUDGE**

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