

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 16TH DAY OF DECEMBER 2015/25TH AGRAHAYANA, 1937

WP(C).No. 35705 of 2015 (K)

PETITIONER :

**V.N.PUBLIC HEALTH & EDUCATIONAL TRUST
REP BY ITS MANAGING TRUSTEE-SECRETARY
DR O KANAPPAN, AGED 63 YEARS, NO 25, JAWAHAR
MAIN ROAD, N R T NAGAR, THENI, TAMILNADU 625531**

**BY ADVS.SRI.P.SANJAY
SMT.A.PARVATHI MENON**

RESPONDENTS :

- 1. UNION OF INDIA
REP BY SECRETARY TO THE GOVERNMENT,
MINISTRY OF HEALTH AND FAMILY WELFARE,
NIRMAN BHAVAN, NEW DELHI 110077**
- 2. THE MIDICAL COUNCIL OF INDIA,
POKET 14, SECTION 8, DWARAKA,
NEW DELHI 110077, REP BY ITS SECRETARY**
- 3. STATE OF KERALA
REP BY SECRETARY TO THE GOVERNMENT
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
SECRETARIAT, THIRUVANANTHAPURAM 695006**
**R1 BY ADV. SMT.LAILA I.S. , CGC
BY SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL
R2 BY ADV. SRI.TITUS MANI VETOM, SC, MEDICAL COUNCIL OF INDIA
BY SRI.TITUS MANI VETOM, SC, MEDICAL COUNCIL OF INDI
R3 BY GOVERNMENT PLEADER SMT. C.K. SHERIN**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 16-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

bp

APPENDIX

PETITIONER(S)' EXHIBITS

**P1:- TRUE COPY OF THE ESSENTIALITY CERTIFICATE NO 18681/S3/2014/H & FWD
DTD 10/6/2014.**

P1(A):-TRUE COPY OF THE APPLICATION FOR RENEWAL DTD 1/7/2015.

**P2:- TRUE COPY OF THE RENEWED ESSENTIALITY CERTIFICATE NO
236265/S3/2015/H & FWD DTD 31/8/2015.**

P3:- TRUE COPY OF THE LETTER NO U 12012/622/2015-ME-1 DTD 4/11/2015.

**P4:- TRUE COPY OF THE TRACKING REPORT OF INDIA POST EVIDENCING
DELIVERY OF THE LETTER NO U /2012/622/2015 ME-I.**

P5:- TRUE COPY OF THE LETTER DTD 17/11/2015.

P6:- TRUE COPY OF THE LETTER DTD 17/11/2015.

P7:- TRUE COPY OF THE INTERIM ORDER DTD 13/11/2015 IN WPC NO 34416/2015

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.A.TO JUDGE

bp

A.MUHAMED MUSTAQUE, J.

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W.P.(C).No. 35705 of 2015

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Dated this the 16th day of December, 2015

J U D G M E N T

The petitioner is an educational agency. They applied for establishment of a medical college. The original Essentiality Certificate issued by the State Government suffered from defects as it was not in the required format. Based on the interim order, the petitioner's application for Essentiality Certificate kept pending before the Central Government and the State Government was directed to consider the application for fresh revised Essentiality certificate. Now it is submitted that the petitioner has obtained a fresh Essentiality Certificate and it has been submitted before the first respondent. Therefore the first respondent shall consider the application and take a decision after hearing the petitioner and do the needful in accordance with the law.

The writ petition is disposed of, as above.

Sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE