

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.Nos.30182, 30185 and 30214 of 2018

COMMON ORDER:

Since these three writ petitions are similar, this Court deems it appropriate to dispose of these writ petitions by way of this common order.

2. When the matter is taken up, it is submitted by the learned counsel for the petitioners that the issue in the present writ petition is squarely covered by the orders of this Court in W.P.No.23139 of 2017, dated 12.07.2017 and a copy of the same is placed on record.

3. A perusal of the said order, in clear and vivid terms discloses that a similar issue came up for consideration and this Court considered the issue, following the judgment of the Kerala High Court in W.P.No.14649 of 2012, dated 17.12.12 in the case of *DR.DEEPTHI S v. DIRECTOR OF MEDICAL EDUCATION*. As per clause 10 (2) of the Post Graduate Medical Examination Regulations, 2000, the period of time for obtaining the degrees shall be three completed years including the examination period. Paragraph 10 of the above referred judgment of the Kerala High Court referred to *supra* reads as under:

“10. The maternity leave granted as per Ext.P1 is with a condition that the petitioner will have to undergo extension for 120 days. She was eligible for stipend for the said period. The extension granted as per Ext.P2 also will show that the petitioner will have to undergo extension for 30days more in addition to the 120 days. The relevant clause, viz. clause 10 (2) will show that the period of training for obtaining D.M. shall be three years including examination period. Clause 13.3 will show that the matter of grant of leave to P.G. Students shall be regulated as per the respective State Government rules. Therefore, what is required is to grant extension of the period during the maternity leave was taken. Since the three year period includes examination period, there was no impediment for the petitioner to participate and attend the examination. Going by the affidavit of the Principal, the petitioner had obtained more than 80% attendance when the whole period of course is taken. Therefore, there is no difficulty in that regard also. Therefore, merely because the petitioner had taken maternity leave for 120 days

initially, she cannot be denied the right to attend the examination.”

4. This Court, while admitting the writ petition, permitted the petitioners herein to write the examination subject to further orders with a direction to the respondents not to declare the results is in the meanwhile.

5. Having regard to the law laid down in the above referred judgments and the order of this Court in W.P.No.23139 of 2017, dated 12.07.2017 the writ petitions are allowed, directing the respondents to declare the results of the petitioners herein and the petitioners herein shall give an undertaking to the effect that they would attend the college and complete the study period. It is also made clear that till the completion of the said study period the certificates of the petitioners shall be withheld. It is also made clear that if the petitioners herein fail in the above said examinations, they shall be allowed to write supplementary examination by paying the fee within a week from today. As a sequel, the miscellaneous petitions, if any, shall stand disposed of. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 06.11.2018

Note:

Office to annex the copy of the order in W.P.No.23139 of 2017, dated 12.07.2017.

Furnish CC today.
Bo/ grk



THE HON'BLE SRI JUSTICE A.V.SESHA SAI



W.P.Nos.30182, 30185 and 30214 of 2018

Dated: 06.11.2018

grk