



2025:KER:26427

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 27TH DAY OF MARCH 2025/6TH CHAITHRA, 1947

WP(C) NO.39100 OF 2024

PETITIONERS

- 1 DR.SHEEBA VARGHESE,
AGED 54 YEARS,
W/O. POLY ANTONY, PLAKKAL HOUSE, VENNOOR,
ALATHUR, THRISSUR,
PIN - 680741
- 2 DR. BINITHA P.P,
AGED 43 YEARS,
KOLLAMTHODI HOUSE, KADANGODE POST,
THRISSUR,
PIN - 680584
- 3 DR. PAUL M.P,
AGED 61 YEARS,
S/O. M.M. PAULOSE, MANKOOTTATHIL,
KOTHAMANGALAM P.O, ERNAKULAM,
PIN - 686691
- 4 DR. NITHI VARGHESE,
AGED 43 YEARS,
PALAKKAPALLY HOUSE, MANIMALA ROAD,
EDAPPALLY P.O, ERNAKULAM, KOCHI,
PIN - 682024
- 5 DR. SESHAGIRI MUTTAGI,
AGED 53 YEARS,
RESIDING AT STAFF QUARTERS, ROYAL DENTAL
COLLEGE, CHALISSERY, PALAKKAD,
PIN - 679536
- 6 DR. BINDU M.P,
AGED 43 YEARS,
W/O. K.K. RAJAN, 11/238,
MADATHIPARAMBIL HOUSE, KARTHIKA, AYYANTHOLE
NORTH, THRISSUR,
PIN - 680003



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BY ADVS.
JOHN VARGHESE
AYISHA T.S.

RESPONDENTS

- 1 THE NATIONAL MEDICAL COMMISSION
POCKET - 14, SECTOR 8, DWARAKA, PHASE-1,
NEW DELHI, REPRESENTED BY ITS DIRECTOR,
PIN - 110077
- 2 THE UNDER GRADUATE MEDICAL EDUCATION BOARD
THE NATIONAL MEDICAL COMMISSION, POCKET - 14,
SECTOR 8, DWARAKA, PHASE-1, NEW DELHI,
REPRESENTED BY ITS CHAIRMAN BY ITS CHAIRMAN,
PIN - 110077
- 3 KERALA UNIVERSITY OF HEALTH SERVICES
MEDICAL COLLEGE P.O, THRISSUR,
REPRESENTED BY ITS REGISTRAR,
PIN - 680596

BY ADVS.
K.S.PRENJITH KUMAR
BINNY THOMAS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY
HEARD ON 27.03.2025, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

**JUDGMENT**

Dated this the 27th day of March, 2025

The 1st petitioner is working as Professor cum Head of Department of Physiology, Royal Dental College, Palakkad. The 2nd petitioner is working as an Associate Professor, Biochemistry, Royal Dental College, Palakkad. The 3rd petitioner is working as Professor, Physiology, St.Gregorious Dental College, Ernakulam. The 4th petitioner is working as Reader and Head of Department(HOD), Department of Psysiology, Indira Gandhi Dental College, Kothamangalam. The 5th petitioner is working as Professor, Royal Dental College, Palakkad. The 6th petitioner is working as Reader, P.S.M College of Dental Science and Research, Thrissur.

2. The petitioners' grievance is against Ext.P5 guidelines formulated by the 1st respondent, with regard to the appointment of Examiners, to which one of the qualifications prescribed is that they must have at least four



years of total teaching experience as Assistant Professor after obtaining Post Graduate Degree following MBBS. The challenge in this writ petition is against the said Clause to the extent it included MBBS degree as one of the essential qualifications.

3. Heard.

4. Earlier, when a similar issue came up for consideration in W.P.(C) No.34567 of 2023, respondents 1 and 2 herein filed a statement therein, and in paragraph 11 therein, it was averred as follows:

“It is respectfully reiterated that the petitioner who had been appointed as Examiners prior to 01.08.2023 i.e the date of publication of Competency Based Medical Education Curriculum Guidelines, 2023, shall be permitted to continue as Examiners in respective departments in the concerned medical colleges. The petitioner in the present petition claim to have been appointed as faculty members in the non-medical departments in the medical colleges in the State of Kerala and while performing their duties as teaching faculty, were also appointed as Examiners. Thus, the petitioners in the present case shall be permitted to continue being appointed as Examiners. The present writ petition be disposed of in the aforesaid terms. It is prayed accordingly.”



5. Thus, in the said statement, the 1st respondent had clarified that if the petitioners were appointed prior to 01.08.2023, which is the date of publication of the Competency Based Medical Curriculum Guidelines, 2023, they shall be permitted to continue as Examiners. On the basis of the said averments, W.P.(C) No.34567 of 2023 was allowed, holding that petitioners therein, shall be entitled to be appointed as Examiners, if they fall within the category referred to in paragraph 11 of the statement submitted by the 1st and 2nd respondents in the said writ petition. The petitioners in the writ petition are similarly situated to that of the petitioners in W.P.(C) No.34567 of 2023.

In such circumstances, the writ petition is disposed of holding that the petitioners shall be entitled to continue to be appointed as Examiners, if they fall within the category referred to in the above extracted portion of the statement submitted by the 1st and 2nd respondents in W.P.(C)



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No.34567 of 2023. The respondents are directed to ensure the same.

Sd/-
N.NAGARESH
JUDGE

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APPENDIX OF WP(C) 39100/2024

PETITIONER EXHIBITS

- EXHIBIT P-1** **TRUE COPY OF THE RELEVANT PAGES OF REGULATIONS ON GRADUATE MEDICAL EDUCATION, 1997 (AMENDED UPTO MAY, 2018) DATED 04-03-1997**
- EXHIBIT P-2** **TRUE COPY OF THE COMMUNICATION NO. MCI-7(9)SG/2019-MED./136(SG) DATED 13-02-2020 ISSUED BY THE MEDICAL COUNCIL OF INDIA**
- EXHIBIT P-3** **TRUE COPY OF THE RELEVANT PORTION OF THE REGULATIONS ON GRADUATE MEDICAL EDUCATION (AMENDMENT) 2019 DATED 04-11-2019 OF THE MEDICAL COUNCIL OF INDIA**
- EXHIBIT P-4** **TRUE COPY OF THE RELEVANT PORTION OF THE PUBLIC NOTICE NO. U. 14021/8/2023-UGMED DATED 23-06-2023 ISSUED BY THE NATIONAL MEDICAL COMMISSION**
- EXHIBIT P-5** **TRUE COPY OF THE RELEVANT PORTION OF THE COMMUNICATION NO. U. 14021/8/2023-UGMEB DATED 01-08-2023 OF THE 2ND RESPONDENT**
- EXHIBIT P-6** **TRUE COPY OF THE DEGREE OF DOCTOR OF PHILOSOPHY IN PHYSIOLOGY ISSUED BY MAHATMA GANDHI UNIVERSITY DATED 14-11-2002**
- EXHIBIT P-7** **TRUE COPY OF THE ATTENDANCE CERTIFICATE DATED 15-09-2021 ISSUED BY THE INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES, KOTHAMANGALAM FOR THE PERIOD FROM 13TH TO 15TH SEPTEMBER, 2021**



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- EXHIBIT P-8** **TRUE COPY OF THE DEGREE OF DOCTOR OF PHILOSOPHY IN BIOCHEMISTRY, ISSUED BY UNIVERSITY OF CALICUT DATED 14-09-2017**
- EXHIBIT P-9** **TRUE COPY OF THE ATTENDANCE CERTIFICATE DATED 27-07-2022 ISSUED BY THE EDUCARE INSTITUTE OF DENTAL SCIENCES, CHATTIPARAMBA FOR THE PERIOD FROM 26TH TO 27TH JULY, 2022**
- EXHIBIT P-10** **TRUE COPY OF THE DEGREE OF DOCTOR OF PHILOSOPHY IN PHYSIOLOGY ISSUED BY THE UNIVERSITY OF CALICUT DATED 04-09-2010**
- EXHIBIT P-11** **TRUE COPY OF THE ATTENDANCE CERTIFICATE DATED 04-05-2023 ISSUED BY MALABAR DENTAL COLLEGE AND RESEARCH CENTRE, MALAPPURAM FOR THE PERIOD FROM 2ND, 3RD AND 4TH MAY, 2023**
- EXHIBIT P-12** **TRUE COPY OF THE DEGREE OF DOCTOR OF PHILOSOPHY IN PHYSIOLOGY ISSUED BY ALL INDIA INSTITUTE OF MEDICAL SCIENCES, NEW DELHI DATED NOVEMBER, 2015**
- EXHIBIT P-13** **TRUE COPY OF THE DUTY CERTIFICATE DATED 03-03-2022 ISSUED BY THE 2ND RESPONDENT**
- EXHIBIT P-14** **TRUE COPY OF THE DEGREE OF DOCTOR OF PHILOSOPHY IN BIOCHEMISTRY DATED 18-01-2007 ISSUED BY THE GULBARGA UNIVERSITY, KARNATAKA**
- EXHIBIT P-15** **TRUE COPY OF THE ATTENDANCE CERTIFICATE DATED 11-02-2022 ISSUED BY AL AZHAR DENTAL COLLEGE**
- EXHIBIT P-16** **TRUE COPY OF THE DEGREE OF DOCTOR OF PHILOSOPHY IN BIOCHEMISTRY DATED 13-07-2006 ISSUED BY UNIVERSITY OF**



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| EXHIBIT P-17 | TRUE COPY OF THE DUTY CERTIFICATE
DATED 01-08-2022 ISSUED BY THE 3RD
RESPONDENT |
| EXHIBIT P-18 | TRUE COPY OF THE CIRCULAR NO.
18117/2022/A2/EX DENTAL/KUHS DATED
28-10-2024 ISSUED BY THE 3RD
RESPONDENT |
| EXHIBIT P-19 | TRUE COPY OF THE NOTIFICATION NO.
33970/2023/EX.MED/B1/KUHS DATED
06-10-2023 ISSUED BY THE KERALA
UNIVERSITY OF HEALTHY SCIENCES |
| EXHIBIT P-20 | TRUE COPY OF THE INTERIM ORDER DATED
26-10-2023 IN W.P.(C) NO. 34567/2023
OF THIS HON'BLE COURT |
| EXHIBIT P-21 | TRUE COPY OF THE INTERIM ORDER DATED
28-10-2023 IN W.P.(C) NO. 34567/2023
OF THIS HON'BLE COURT |
| EXHIBIT P-22 | TRUE COPY OF THE JUDGMENT DATED
30-05-2023 IN W.P.(C) NO. 42388/2023
OF THIS HON'BLE COURT |