



2025:KER:5248

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 23RD DAY OF JANUARY 2025 / 3RD MAGHA, 1946

WP(C) NO. 7771 OF 2023

PETITIONER:

RESHMA S. ,
AGED 23 YEARS ,
D/O SUNITHA,
RESHMA BHAVAN,
MELKONAM, PERUMKADAVILA P.O. ,
THIRUVANANTHAPURAM,
PIN - 695124

BY ADVS .
R.T.PRADEEP
M.BINDUDAS
K.C.HARISH

RESPONDENTS:

- 1 KERALA UNIVERSITY OF HEALTH SCIENCES ,
REPRESENTED BY ITS REGISTRAR,
THRISSUR, PIN - 680596.
- 2 CONTROLLER OF EXAMINATIONS ,
KERALA UNIVERSITY OF HEALTH SCIENCES ,
THRISSUR, PIN - 680596
- 3 ADMISSION AND FEE REGULATORY COMMITTEE FOR
PRIVATE MEDICAL INSTITUTIONS ,
REPRESENTED BY ITS CHAIRMAN ,
PRASANTH BUILDING ,
M.P. APPAN ROAD ,
VAZHUTHACAUD ,
THIRUVANANTHAPURAM, PIN - 695033



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4 DR. SOMERWELL CSI MEDICAL COLLEGE,
REPRESENTED BY ITS DIRECTOR,
KARAKONAM,
THIRUVANANTHAPURAM, PIN - 695504

5 PRINCIPAL,
DR. SOMERWELL CSI MEDICAL COLLEGE,
KARAKONAM,
THIRUVANANTHAPURAM, PIN - 695504

BY ADVS.
P.SREEKUMAR, SC
MARY BENJEMIN, SC
ARUN.B.VARGHESE
AISWARYA V.S. (K/001596/2018)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 23.01.2025, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



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JUDGMENT

Dated this the 23rd day of January, 2025

The petitioner, who studied MBBS Degree Course in the 4th respondent-College, has filed this writ petition seeking to direct respondents 1 and 2 to allow the petitioner to register for the theory examination notified by Ext.P2 and scheduled by Ext.P3 and to allow her to write the examination in terms of Ext.P3.

2. The further prayer of the petitioner is to direct respondents 4 and 5 to forward the attendance and internal assessment of the petitioner to the 1st respondent-University.

3. It is admitted by either side that during the pendency of the writ petition, all requisite records have been forwarded by the College to the University and the University has



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issued necessary Certificates and intimation to the College. After completing the House Surgency, the University has issued MBBS Completion Certificate also to the 4th respondent-College, submits the counsel for the petitioner.

4. Standing Counsel representing respondents 4 and 5 submitted that there is a short payment of ₹10,31,710/- towards fee by the petitioner.

5. The petitioner vehemently dispute the same and would submit that while getting admission in the College, the petitioner has paid ₹30 lakhs and an amount of ₹10 lakhs more is liable to be adjusted towards the last year fee of the petitioner. ₹20 lakhs has been adjusted towards the fee of the 2nd year. Standing Counsel for respondents 4 and 5 dispute the same.

6. Going through the pleadings in the writ petition and after hearing the arguments of the petitioner and the respondents, I am of the view that the issue remaining is only release of necessary Certificates to the petitioner and the dispute



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regarding the payment of fee.

7. It is now settled law that Educational Institutions are not entitled to withhold Certificates and other documents of the students, for want of payment of fees. In the circumstances, I am of the view that the writ petition can be disposed of with the following directions:

(i) Respondents 4 and 5 are directed to release the MBBS Course Completion Certificate, CRRI Certificate, Second Provisional Certificate, Mark List for all the years, Transfer Certificate, Conduct Certificate and originals of 10th Standard Certificate and Plus Two Certificate to the petitioner within two weeks.

(ii) In the meanwhile, if respondents 4 and 5 approach the 3rd respondent for adjudication of balance fee payable by the petitioner, the



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3rd respondent shall take appropriate decision thereon after hearing either side, within a period of one month.

The writ petition is disposed of as above.

Sd/-
N. NAGARESH
JUDGE

SR



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APPENDIX OF WP(C) 7771/2023

PETITIONER'S EXHIBITS:

Exhibit P1	TRUE COPY OF LEDGER ACCOUNT GIVEN BY THE COLLEGE TO PETITIONER ON 5.12.2022 DEMANDING AN AMOUNT OF RS.16,31,710/-
Exhibit P2	TRUE COPY OF EXAMINATION NOTIFICATION DATED 2.2.2023 BY 1ST RESPONDENT UNIVERSITY
Exhibit P3	TRUE COPY OF THEORY EXAMINATION TIMETABLE DATED 13.2.2023 BY 1ST RESPONDENT UNIVERSITY
Exhibit P4	TRUE COPY OF UNDERTAKING DATED 22.2.2023 BY THE FATHER OF PETITIONER BEFORE THE 5TH RESPONDENT
Exhibit P5	TRUE COPY OF PETITIONER'S (REG. NO.170010625) EXAMINATION RESULTS OF 3RD PROFESSIONAL MBBS DEGREE PART II SUPPLEMENTARY EXAMINATION (2017 ADMISSION) MARCH 2023 DATED 9.6.2023 WHICH IS ISSUED BY KERALA UNIVERSITY OF HEALTH SCIENCES
Exhibit P6	TRUE COPY OF REVISED NOTIFICATION NO.2023/19884/EX MED B4/KUHS DATED 21.7.2023 FOR SUPPLEMENTARY EXAMINATION OF FAILED SUBJECT BY KERALA UNIVERSITY OF HEALTH SCIENCES
Exhibit P7	TRUE COPY OF PRINT OUT OF REMITTANCE OF EXAMINATION FEE BY D PAUL (UPI TRANSACTION ID 321032756390) WITH THE DR. SOMERWELL MEMORIAL CSI MEDICAL COLLEGE HOSPITAL DATED 29.7.2023
Exhibit P8	TRUE COPY OF INTERNAL ASSESSMENT OF STUDENTS APPEARING FOR FINAL MBBS PART II DEGREE EXAMINATION ON AUGUST 2023 - 2018 ADD BATCH WHICH IS NIL DATED AND ISSUED BY DR. S.M. C.S.I. MEDICAL COLLEGE & HOSPITAL, KARAKONAM.