

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 6TH DAY OF FEBRUARY 2023 / 17TH MAGHA, 1944

WP(C) NO. 8683 OF 2022

PETITIONER:

DR.MEGHA PREM PARAMBAN

AGED 30 YEARS

D/O V K PREMAN, KRISHNANUNNI, KUYALI, KAAVUMBHAGAM
P.O, THALASSERY, PIN 670 649

BY ADVS.

P.J.MATHEW

EBIN MATHEW

AKHILA SHOJI

RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT, HEALTH AND
FAMILY DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM 695 001
- 2 DIRECTOR OF MEDICAL EDUCATION
DIRECTORATE OF MEDICAL EDUCATION,
THIRUVANANTHAPURAM 695 011
- 3 THE PRINCIPAL
GOVERNMENT MEDICAL COLLEGE, MAVOOR ROAD,
KOZHIKODE 673 008
BY ADV ADVOCATE GENERAL OFFICE KERALA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06.02.2023, ALONG WITH WP(C).7003/2022, 14335/2022, THE COURT ON
THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 6TH DAY OF FEBRUARY 2023 / 17TH MAGHA, 1944

WP(C) NO. 7003 OF 2022

PETITIONER:

DR.DIVYA PRAKASAN,
AGED 30 YEARS
W/O. VAISHAG REMIN, RESIDING AT HOUSE NO. 2/747 A
DIVYA, KARAPARAMBA P.O., KOZHIKODE-673010.
BY ADVS.
P.J.MATHEW
EBIN MATHEW

RESPONDENTS:

- 1 THE STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT, HEALTH
AND FAMILY DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.
- 2 THE DIRECTOR OF MEDIAL EDUCATION,
DIRECTORATE OF MEDICAL EDUCATION, THIRUVANANTHAPURAM-
695011.
- 3 THE PRINCIPAL,
GOVERNMENT MEDICAL COLLEGE, MAVOOR ROAD, KOZHIKODE-
673008.
BY ADVS.
ADVOCATE GENERAL OFFICE KERALA
SRI.P.G.PRAMOD, GOVERNMENT PLEADER (GP-50)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06.02.2023, ALONG WITH WP(C).8683/2022 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

MONDAY, THE 6TH DAY OF FEBRUARY 2023 / 17TH MAGHA, 1944

WP(C) NO. 14335 OF 2022

PETITIONER:

DR.SRUTHI RAGHUNATH P.J.
AGED 30 YEARS
D/O.RAGHUNATH P., RESIDING AT 'USHAD' H.O.,
ATHANIKKAL, WESTHILL P.O., KOZHIKODE - 673 005.
BY ADVS.
P.J.MATHEW
EBIN MATHEW
AKHILA SHOJI

RESPONDENTS:

- 1 THE STATE OF KERALA
REPRESENTED BY ITS SECRETARY TO GOVERNMENT, HEALTH
AND FAMILY DEPARTMENT, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001.
- 2 DIRECTOR OF MEDICAL EDUCATION
DIRECTORATE OF MEDICAL EDUCATION, THIRUVANANTHAPURAM
- 695 011.
- 3 THE PRINCIPAL
GOVERNMENT MEDICAL COLLEGE, MAVOOR ROAD, KOZHIKODE -
673 008.
BY ADVS.
ADVOCATE GENERAL OFFICE KERALA
SRI.P.G.PRAMOD, GOVERNMENT PLEADER(GP-50)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
06.02.2023, ALONG WITH WP(C).8683/2022 AND CONNECTED CASES, THE
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 6th day of February, 2023

These writ petitions are filed by the petitioners commonly seeking the following reliefs:

- i To call for the entire records that lead to the passing of exhibit P6 and quash Clause 2 the same by the issuance of a writ of certiorari or by any other appropriate writ, direction or order.*
- ii. To declare that the petitioner is eligible to be continued for senior residency for one year with the usual stipend.*
- iii. To issue a writ of mandamus commanding the respondents to permit the petitioner to undergo senior residency for one year without any break with the present stipend.*
- iv. To pass any other order or directions this Hon'ble Court deems fit and proper in the facts and circumstances of the case.*

2. When the matter came up for admission, interim orders were passed in these cases directing the respondents to permit the petitioners to continue the residency for a total period of one year subject to the result of the writ petitions. Learned counsel for the petitioners submitted that they have

already completed one year period of residentship and therefore virtually no adjudication is required with respect to the issues raised in the writ petitions. Learned counsel for the petitioners also submitted that stipends in these writ petitions are already paid to the petitioners on the basis of the applications submitted by the petitioners.

3. I have heard the learned counsel for the petitioners, Sri.Ebin Mathew, learned Senior Government Pleader Sri.Rajeev Jyothish George, and perused the pleadings and material on record.

In my considered opinion, since the residentship is completed by the petitioners it is only appropriate that the interim order passed by this Court in these writ petitions are made absolute. Therefore, the interim orders are made absolute and the writ petitions are disposed of accordingly, also recording that the petitioners have received the stipend.

Sd/-

SHAJI P. CHALY

JUDGE

AP

APPENDIX OF WP(C) 8683/2022

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE ORDER NO GMCKKD/3772/2021-E-10 DATED 04-12-2021 OF THE 3RD RESPONDENT
- Exhibit P2 A TRUE COPY OF THE RELEVANT PORTION OF THE PROSPECTUS FOR ADMISSION C=FOR THE MEDICAL POST GRADUATE DEGREE/DIPLOMA COURSE 2018-19 ISSUED BY THE 2ND RESPONDENT.
- Exhibit P3 A TRUE COPY OF THE RELEVANT PORTION OF THE PROSPECTUS FOR ADMISSION OF MEDICAL POST GRADUATE/DIPLOMA COURSE FOR THE YEAR 2016-17 ISSUED BY THE 2ND RESPONDENT.
- Exhibit P4 A TRUE COPY OF THE RELEVANT PORTION OF THE PROSPECTUS FOR ADMISSION OF MEDICAL POST GRADUATE/DIPLOMA COURSE FOR THE YEAR 2019-20 ISSUED BY THE 2ND RESPONDENT.
- Exhibit P5 A TRUE COPY OF THE RELEVANT PORTION OF THE NOTIFICATION DATE 14-02-2022 ISSUED BY THE NATIONAL MEDICAL COMMISSION (POST GRADUATION EDUCATION BOARD)
- Exhibit P6 A TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT NO B9/5217/2021/DME DATED 28-01-2022
- Exhibit P7 A TRUE COPY OF THE INTERIM ORDER DATED 14-03-2022 IN W.P(C) NO 7003/2022 OF THIS HON'BLE COURT.
- Exhibit P8 A TRUE COPY OF THE PROCEEDINGS ISSUED BY THE 3RD RESPONDENT DATED 11.04.2022.
- Exhibit P9 A TRUE COPY OF THE PROCEEDINGS ISSUED BY THE 3RD RESPONDENT DATED 12.04.2022.

APPENDIX OF WP(C) 7003/2022

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE PROCEEDINGS OF THE PRINCIPAL, GOVERNMENT MEDICAL COLLEGE, KOZHIKODE.
- Exhibit P2 A TRUE COPY OF THE RELEVANT PORTION OF THE PROSPECTUS FOR ADMISSION FOR THE MEDICAL POST GRADUATE DEGREE/DIPLOMA COURSE 2018-19 ISSUED BY THE 2ND RESPONDENT.
- Exhibit P3 A TRUE COPY OF THE RELEVANT PORTION OF THE PROSPECTUS FOR ADMISSION FOR THE MEDICAL POST GRADUATE DEGREE/DIPLOMA COURSE 2016-17 ISSUED BY THE 2ND RESPONDENT.
- Exhibit P4 A TRUE COPY OF THE RELEVANT PORTION OF THE PROSPECTUS FOR ADMISSION FOR THE MEDICAL POST GRADUATE DEGREE/DIPLOMA COURSE 2019-20 ISSUED BY THE 2ND RESPONDENT.
- Exhibit P5 A TRUE COPY OF THE RELEVANT PORTION OF THE NOTIFICATION DATED 14/02/2022 ISSUED BY THE NATIONAL MEDICAL COMMISSION (POST GRADUATION EDUCATION BOARD).
- Exhibit P6 A TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT NO.B9-5217/2021/DME DATED 28/010/2022.
- Exhibit P7 A TRUE COPY OF THE PROCEEDINGS ISSUED BY THE 3RD RESPONDENT DATED 11-04-2022.
- Exhibit P8 A TRUE COPY OF THE PROCEEDINGS ISSUED BY THE 3RD RESPONDENT DATED 12-04-2022.

APPENDIX OF WP(C) 14335/2022

PETITIONER EXHIBITS

- Exhibit P1 A TRUE COPY OF THE PROCEEDINGS OF THE PRINCIPAL, GOVERNMENT MEDICAL COLLEGE, KOZHIKODE 16/9/21.
- Exhibit P2 A TRUE COPY OF THE PROVISIONAL SLIP GMCKKD/3772/2021-E10 ISSUED TO THE 1ST PETITIONER BY THE PRINCIPAL, GOVERNMENT MEDICAL COLLEGE, KOZHIKODE DATED 17/03/2022.
- Exhibit P3 A TRUE COPY OF THE RELEVANT PORTION OF THE PROSPECTUS FOR ADMISSION FOR THE MEDICAL POST GRADUATE DEGREE/DIPLOMA COURSE 2018-19 ISSUED BY THE 2ND RESPONDENT.
- Exhibit P4 A TRUE COPY OF THE RELEVANT PORTION OF THE PROSPECTUS FOR ADMISSION OF MEDICAL POST GRADUATE/DIPLOMA COURSE FOR THE YEAR 2016-2017 ISSUED BY THE 2ND RESPONDENT.
- Exhibit P5 A TRUE COPY OF THE RELEVANT PORTION OF THE PROSPECTUS FOR ADMISSION OF MEDICAL POST GRADUATE/DIPLOMA COURSE FOR THE YEAR 2019-20 ISSUED BY THE 2ND RESPONDENT.
- Exhibit P6 A TRUE COPY OF THE RELEVANT PORTION OF THE NOTIFICATION DATE 14/02/2022 ISSUED BY THE NATIONAL MEDICAL COMMISSION (POST GRADUATION EDUCATION BOARD).
- Exhibit P7 A TRUE COPY OF THE LETTER OF THE 2ND RESPONDENT NO. B9/5217/2021/DME DATED 28/01/2022.
- Exhibit P8 A TRUE COPY OF THE INTERIM ORDER DATED 14/03/2022 ISSUED BY THIS HON'BLE COURT IN WP(C) 7003 OF 2022.