

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 12TH DAY OF FEBRUARY 2024 / 23RD MAGHA, 1945

WP(C) NO. 19671 OF 2023

PETITIONERS:

- 1 SHILPA N
AGED 26 YEARS, D/O RAVEENDRAN M,
NARANGALI HOUSE, CHERUPPU P.O,
KOZHIKODE, PIN - 673661
- 2 ASWATHI K.R
AGED 26 YEARS, D/O RADHAKRISHNAN K.P,
KALAPURAYIL HOUSE, MANIYAMGODE P.O,
WAYANAD, PIN - 673122
- 3 APARNA T
AGED 25 YEARS, D/O PREMARAJAN T,
MANKKAVIL HOUSE, VELIMUKKU P.O,
CHELARI, PIN - 676317
- 4 JENNY MARY SUNIL
AGED 26 YEARS, D/O SUNIL KURIAN,
PALATHINKAL HOUSE, PARIYARAM P.O,
KOTTAYAM, PIN - 686021
- 5 HARITHA PRABHA
AGED 26 YEARS, D/O PRABHA K.G,
KALATHIL MYLAMON COLONY KUNNAMTHANAM P.O,
MALLAPPALLY, PIN - 689581
BY ADVS.
JOHNSON JOSE PANJIKKARAN
T.R.JERRY SEBASTIAN

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 2 DIRECTOR OF MEDICAL EDUCATION
DIRECTORATE OF MEDICAL EDUCATION,
MEDICAL COLLEGE.PO,
THIRUVANANTHAPURAM, PIN - 695011
- 3 KERALA STATE PARAMEDICAL COUNCIL
REPRESENTED BY ITS SECRETARY,
(JOINT SECRETARY, DEPARTMENT OF

HEALTH AND FAMILY WELFARE,
STATE OF KERALA) SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001

4 KERALA UNIVERSITY OF HEALTH SCIENCES
REPRESENTED BY ITS REGISTRAR,
MEDICAL COLLEGE P.O.,
THRISSUR, PIN - 680596

5 MAHATMA GANDHI UNIVERSITY
REPRESENTED BY ITS REGISTRAR,
PRIYADARSINI HILLS P.O.,
KOTTAYAM, PIN - 686560

6 UNIVERSITY OF CALICUT
REPRESENTED BY ITS REGISTRAR,
CALICUT UNIVERSITY PO, THENHIPALAM,
KERALA, PIN - 673635

BY ADVS.

SRI.P.SREEKUMAR, SC FOR R4,
SRI.SURIN GEORGE IPE, SC,
SRI.P.C.SASIDHARAN, SC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 12.02.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

The petitioners, who are stated to have completed B.Sc Medical Microbiology from the Mahatma Gandhi University and Calicut University, during the academic years 2014-2018 to 2016-2020, seek that the 3rd respondent - Kerala State Paramedical Council, be directed to grant them registration forthwith. They say that the denial of registration to them by the 3rd respondent is illegal and unlawful; and seek that they be directed to do so, within a time frame to be fixed by this Court.

2. The learned Government Pleader - Sri.P.S.Appu, in response to the afore submissions of Sri.Johnson Jose Panjikkaran - learned counsel for the petitioners, submitted that the 3rd respondent has been incapacitated from acceding to the request of the petitioners only because the course which they have completed, had been detached from the respective Universities, to be entrusted with the Kerala University of Health Sciences (KUHS). He, however, conceded that a Statement has been filed on behalf of the 2nd respondent, wherein, it has been averred in paragraph 3 thereof, that registration can be given to students who have successfully

completed their B.Sc Medical Biochemistry and B.Sc Medical Microbiology courses from Calicut, Mahatma Gandhi and Kannur Universities of Kerala for the period from 2014-2015 to 2018. He submitted that, this is because, all health related courses have only, thereafter, been affiliated with the 'KUHS'. He conceded that, therefore, those petitioners who have completed that course in such manner may be granted relief.

3. I notice from the pleadings that the Mahatma Gandhi University and the Calicut University have filed separate counter affidavits, wherein, they assert that they had given admissions to various students, including the petitioners, up to the academic year 2016, because they were authorised to do so, being recognised under the Government norms, for such purpose. They assert that, therefore, the last of the batch, who passed out from their Universities, are of those students who were admitted in the year 2016, they having completed it in the year 2020. They thus contend that those students, who have completed the course in such manner, are also entitled to be registered by the 3rd respondent - Kerala State Paramedical Council, because the denial of the same, saying that the course had been entrusted to the 'KUHS', is factually incorrect.

4. Since the afore assertions of the Universities are without contest and since they affirm that they had affiliation to admit students up to the academic year 2016 - which they did as in the case of the petitioners - I am of the firm view that the 3rd respondent cannot refuse to grant them registration merely because the 'KUHS' has been constituted in the meanwhile. This is because, as long as the petitioners' admissions are not in question, and as long as they have completed the course meritoriously as has been conceded to by the Universities in their respective counter pleadings, they cannot be found to have not completed the course validly, particularly when the Universities assert - which is without contest - that they had authorisation and recognition to admit students and to complete the courses in question until the years 2016 and 2020 respectively.

5. The pleadings on record show that petitioners 1 and 2 belong to the 2014-2018 batch, who would, in any case, be entitled to relief even going by the counter affidavits of the 2nd respondent; while, petitioners 3 and 4 are of the 2015-2019 batch; with the 5th petitioner being of the 2016-2020 batch. For the reasons that I have already said above, their admissions to

various Universities cannot be found to be in error; and since it is admitted unequivocally that they have completed their course meritoriously, I have no doubt that they are also entitled to relief.

Resultantly, I allow this writ petition and direct the 3rd respondent to consider the application of the petitioners for registration, on its merits, *de hors* the objections referred above; which shall be done subject to all other requirements in law being satisfied, as expeditiously as is possible, but not later than one month from the date of receipt of a copy of this judgment.

**Sd/-
DEVAN RAMACHANDRAN
JUDGE**

anm

APPENDIX OF WP(C) 19671/2023

PETITIONERS' EXHIBITS

Exhibit P1	TRUE COPY OF THE B.SC. MEDICAL MICROBIOLOGY CERTIFICATE ISSUED BY CALICUT UNIVERSITY IN THE NAME OF 1ST PETITIONER
Exhibit P2	TRUE COPY OF THE DEMAND DRAFT DATED 1.10.2021 SUBMITTED BY 1ST PETITIONER
Exhibit P3	TRUE COPY OF THE REPLY DATED 21.3.2023
Exhibit P4	TRUE COPY OF THE B.SC. MEDICAL MICROBIOLOGY CERTIFICATE ISSUED BY CALICUT UNIVERSITY IN THE 2ND PETITIONERS NAME
Exhibit P5	TRUE COPY OF THE APPLICATION DATED NIL
Exhibit P6	TRUE COPY OF THE B.SC. MEDICAL MICROBIOLOGY CERTIFICATE ISSUED BY CALICUT UNIVERSITY IN THE 3RD PETITIONERS NAME
Exhibit P7	TRUE COPY OF THE RELEVANT PAGES OF APPLICATION DATED 1.10.2021
Exhibit P8	TRUE COPY OF THE B.SC. MEDICAL MICROBIOLOGY CERTIFICATE ISSUED BY MAHATMA GANDHI UNIVERSITY IN THE 4TH PETITIONERS NAME
Exhibit P9	TRUE COPY OF THE RELEVANT PAGES OF APPLICATION DATED 15.9.2021
Exhibit P10	TRUE COPY OF THE B.SC. MEDICAL MICROBIOLOGY CERTIFICATE ISSUED BY CALICUT UNIVERSITY IN THE 5TH PETITIONERS NAME
Exhibit P11	TRUE COPY OF THE RELEVANT PAGES OF APPLICATION DATED 5.12.2022
Exhibit P12	TRUE COPY OF THE GO(MS) NO. 97/2013/H&FWD DATED 22.3.2013
Exhibit P13	TRUE COPY OF THE GO(MS) NO. 171/2013/H&FWD DATED 15.5.2013
Exhibit P14	TRUE COPY OF THE JUDGMENT DATED 23.3.2021 IN W.P.C 5027 OF 2021
Exhibit P15	TRUE COPY OF THE ORDER DATED 2.12.2021 ISSUED BY 1ST RESPONDENT
Exhibit P16	TRUE COPY OF THE REPRESENTATION DATED 12.4.2023 SUBMITTED BY PETITIONERS
Exhibit P17	TRUE COPY OF THE POSTAL RECEIPT EVIDENCING ISSUANCE OF EXHIBIT P16 REPRESENTATIONS DATED 20.4.2023

RESPONDENTS' EXHIBITS : NIL.