



2024:KER:78023

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

FRIDAY, THE 18<sup>TH</sup> DAY OF OCTOBER 2024 / 26TH ASWINA, 1946

W.A. NO. 578 OF 2023

AGAINST THE ORDER/JUDGMENT DATED 24.01.2023 IN WP(C)

NO.18595 OF 2022 OF HIGH COURT OF KERALA

APPELLANT/3RD RESPONDENT:

THE PRINCIPAL  
AGED 45 YEARS  
KANNUR MEDICAL COLLEGE, ANJARAKANDY, P.O.,  
KANNUR, PIN - 670612.

BY ADVS.  
GEORGE POONTHOTTAM (SR.)  
ABDUL RAOOF PALLIPATH

RESPONDENTS/PETITIONERS & RESPONDENTS 1, 2 & 4 TO 6:

1 JAMEELA VIDANA  
AGED 23 YEARS  
D/O ABDUL SALEEM,M, BADARIYA MAHAL,  
MUNDAKULAM.P.O, CHEMNAD, KASARGODE,  
PIN - 671317.



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W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

- 2      **AKHILA CHACKOCHAN**  
AGED 24 YEARS  
D/O CHACKOCHAN.P.C, PETTAH HOUSE, AYYAMPILLY  
.PO, KUZHUPILLY, ERNAKULAM, PIN - 682501.
- 3      **AKSHYA.P.K**  
AGED 23 YEARS  
D/O M.P RADHAKRISHNAN, RAKENDHU, EDAYANNUR.P.O,  
KANNUR, PIN - 670595.
- 4      **ANAGHA P**  
AGED 23 YEARS  
D/O SANKARAN.P, PADINJARAN, KAITHAPRAM,  
MATHAMANGALAM.P.O, KANNUR, PIN - 670306.
- 5      **ANJANA J.,**  
AGED 23 YEARS  
D/O K.SATHEESHKUMAR, KALATHARAVILAKATHUVEEDU,  
PULLAYIL, VELIYAMCODE P.O, THIRUVANANTHAPURAM,  
PIN - 695512.
- 6      **ANUPAMA JANE,**  
AGED 23 YEARS  
D/O JAAJVEL.E.P, EATTIKKAL HOUSE, MISSION  
COMPOUND,PALLIPURAM.P.O, PALAKKAD, PIN -  
678006.
- 7      **ARYA.V.S.**  
AGED 24 YEARS  
D/O SHEELA.G, VIJAYA NIVAS, PRAVACHAMBALAM  
,NEMOM.P.O, THIRUVANANTHAPURAM, PIN - 695020.
- 8      **AYSHA FIDHA**  
AGED 24 YEARS  
D/O MOHAMMED ANZAR.K.M, NAWAR, PANOOR.P.O,  
PANOOR, PUTHOOR, KANNUR, PIN - 670692.
- 9      **BEEMA SHAJI**  
AGED 25 YEARS  
D/O SHAJI.P.A, PADATHANATU HOUSE, EDAVETTY.P.O,  
THODUPUZHA, PIN - 685588.



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W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

- 10 CHANDHANA SREEKUMAR  
AGED 25 YEARS  
D/O SREEKUMAR.R, THALAKKATTU HOUSE, SOUTH  
ARYAD, AVALOOKUNNU.P.O, ALAPUZHA, PIN - 688006.
- 11 DEENA HAMZA  
AGED 23 YEARS  
D/O HAMZATHANCHANKODAN, THANCHANKODAN HOUSE,  
POOVAD, PONMALA.P.O, MALAPURAM, PIN - 676528.
- 12 FATHIMA ZAHARA.M.P  
AGED 24 YEARS  
D/O MANU.C.P, FATHIMAS, KEEZHALLUR.P.O, KANNUR,  
PIN - 670612.
- 13 FIDHA THANAZ M.A  
AGED 24 YEARS  
D/O ASHARAF.M.A, LOVE DALE, NEAR ITI COLLEGE,  
VIDYANAGAR, KASARGODE, PIN - 671123.
- 14 HANA  
AGED 23 YEARS  
D/O K. MOHAMMED SHAFEEQU, ACHUS HOUSE, NEAR R.M  
HOSPITAL, BEYPORE.P.O, KOZHIKODE, PIN - 673015.
- 15 HIBA ASHICK  
AGED 24 YEARS  
D/O ASHICK.K.P, CHIKKUS NEST, VILLA NO. B.10,  
HEAVEN HOMES, VIRUPPIL, MOOZHICKAL,  
CHELAVOOR.P.O, KOZHIKODE, PIN - 673571.
- 16 IRFANA IBRAHIM  
AGED 24 YEARS  
D/O IBRAHIM KURUVANTHODY, KUTHIROTTT HOUSE,  
KAYANNABAZAR.P.O, PERAMBRA, KOZHIKODE,  
PIN - 673525.
- 17 JASNIYA K.P  
AGED 23 YEARS  
D/O LATE JAMALUDHEEN.M, RAHATH MANZIL,  
VADAKKUMBAD, MUNDALURE.P.O, PERALASSERY,  
KANNUR, PIN - 670622.



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W.A.Nos.578, 1481, 1487, 1490, 1492,  
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- 18 K.P. PRAJITHA PRINCE  
AGED 24 YEARS  
D/O PRINCE KUMAR.C.M, KANJIRATHINGAL HOUSE,  
PALLURUTHY.P.O, ERNAKULAM, PIN - 682006.
- 19 KRISHNANJALI KISHORE  
AGED 22 YEARS  
D/O A. KISHORE, ANJALI, KANNAMCODE,  
VETTIKAVALA.P.O, KOTTARAKKARA, KOLLAM,  
PIN - 691531.
- 0 MAYA. P.M  
AGED 24 YEARS  
D/O MADHAVAN NAIR.P, SOUPARNIKA HOUSE,  
THEKKUMTHARA.P.O, KALPATTA, WAYANAD,  
PIN - 673124.
- 21 NALWA NAZREEN. P  
AGED 23 YEARS  
D/O MUHAMMED T.C ,OTTAMMEL HOUSE, KARUVATTOOR,  
KAKKODI, KOZHIKODE, PIN - 673611.
- 22 NIMISHA ANWAR  
AGED 23 YEARS  
D/O ANWAR.A.K, AMBALATHUVEETIL HOUSE  
MADAYIKONAM.P.O, MALAPURAM, PIN - 680712.
- 23 RAHUL UNNI.K  
AGED 24 YEARS  
S/O K.B UNNIKRISHNAN, SANTHOSH NILAYAM, AMMARI,  
NEAR AMBIKA TEMBLE , EROOR WEST, P.O  
TRIPUNITHURA, ERNAKULAM, PIN - 682306.
- 24 SANTRA SHAJU  
AGED 24 YEARS  
D/O SHAJU.C.K, CHITTIPARAMBHAN HOUSE, VASANTH  
VIHAR, PATTIKAD.P.O, THRISSUR, PIN - 680652.
- 25 SARAH KARMEL EBRAHAM  
AGED 24 YEARS  
D/O DR.EBRAHAMKARMEL MATHEW, HOUSE NO. 35,  
KARMEL BHAVAN, SOORYA NAGAR, MANISSERY,  
VANIYAMKULAM-2, OTTAPALAM, PALAKAD,  
PIN - 679521.



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- 26 SARJULA ABBAS,K  
AGED 24 YEARS  
D/O ABBAS.K, KANAKASSERY HOUSE, UNITY COLLEGE  
ROAD, NARUKARA, MANJERI, MALAPPURAM,  
PIN - 676122.
- 27 SUVARNA.C.H  
AGED 24 YEARS  
D/O HARIGOVINDAN.N, SREEPADAM, VRA 10A,  
MANANTHALA.P.O, THIRUVANANTHAPURAM,  
PIN - 695015.
- 28 THABSHEERA. V.U  
AGED 23 YEARS  
D/O SAINUDHEEN.K, RASIYAS MANZIL, KUTTOOR.P.O,  
M.M BAZAR, KANNUR, PIN - 670306.
- 29 THASNI.E  
AGED 24 YEARS  
D/O ISAMAIL .E, ERAMBAYIL HOUSE, 5TH MILE,  
ANJUKUNNU.P.O, WAYANAD, PIN - 670645.
- 0 THUSHARA .P.V  
AGED 23 YEARS  
D/O GIREESHAN.P.P, THUSHARAM, KUDUKKIMOTTA,  
ECHUR.P.O, KANNUR, PIN - 670591.
- 31 TORENTY JOY  
AGED 22 YEARS  
D/O JOY JOSEPH, CHELAT HOUSE, NJARAKAL.P.O, V.P  
ROAD, PERUMBILLY, VYPIN, ERNAKULAM,  
PIN - 682505.
- 32 NIKHILA.L  
AGED 23 YEARS  
D/O ANIYAN.T, PUTHUVAL, KOMANA, AMBALAPUZHA,  
AMBALAPUZHA EAST, ALAPPUZHA, PIN - 688561.
- 33 NATIONAL MEDICAL COMMISSION  
POCKET-14, SECTOR-8 ,DWARA PHASE-1, NEW DELHI,  
PIN - 110077.



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W.A.Nos.578, 1481, 1487, 1490, 1492,  
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- 34 KERALA UNIVERSITY OF HEATH SCIENCE  
MULAKKUNNATHUKKAVU, TRHISSUR REPRESENTED BY ITS  
REGISTRAR, PIN - 680596.
- 35 STATE OF KERALA  
REPRESENTED BY THE PRINCIPAL  
SECRETARY, DEPARTMENT OF HEALTH AND FAMILY  
WELFARE GOVERNMENT SECRETARY, ANNEX-2,  
THRIUVANANTHAPURAM, PIN - 695001.
- 36 THE DIRECTOR OF HEALTH SERVICE  
DIRECTORATE OF HEALTH SERVICES, GENERAL  
HOSPITAL JUNCTION, THIRUVANANTHAPURAM,  
PIN - 695035.
- 37 MES MEDICAL COLLEGE  
PALACHOD POST, MALAPARAMBA, PERINTHALMANNA,  
MALAPURAM REPRESENTED BY ITS DEAN,  
PIN - 679338.
- 38 THE CHAIRMAN  
QUILON MEDICAL TRUST, MYLAPORE, THATTAMALA.P.O,  
KOLLAM, PIN - 691020.
- 39 KERALA PRIVATE MEDICAL COLLEGE MANAGEMENT  
ASSOCIATION, OFFICE OF THE SECRETARY- KPMCMA,  
MALABAR MEDICAL COLLEGE CAMPUS, MODAKKALLUR,  
ATHOLI, KOZHIKODE REPRESENTED BY ITS SECRETARY,  
PIN - 673315.
- 0 DR. SOMERVELL MEMORIAL CSI MEDICAL COLLEGE  
REPRESENTED BY ITS PRINCIPAL, KARAOKONAM,  
THIRUVANANTHAPURAM, PIN - 695504.
- 41 DM EDUCATION AND RESEARCH FOUNDATION  
A CHARITABLE AND EDUCATIONAL TRUST HAVING ITS  
REGISTERED OFFICE AT NASEERA NAGAR,  
MEPPADI.P.O, WAYANAD, PIN - 673577.
- 42 DM WAYANAD INSTITUTE OF MEDICAL SCIENCES  
NASEERA NAGAR, MEPADI.P.O, WAYANAD REPRESENTED  
BY ITS AUTHORIZED SIGNATORY & LAW OFFICER MR.  
ZALAZI KALLANGODAN, PIN - 673577.



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W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

- 43 KERALA ADMISSION SUPERVISORY AND FEEREGULATORY  
COMMITTEE FOR PROFESSIONAL COLLEGES,  
T.C 15/1553-4, PRASANTHI BUILDING, M.P.APPAN  
ROAD, VAZHUTHACAUD, THIRUVANANTHAPURAM,  
PIN - 695014.
- 44 SHIRIN SHAHANA. M  
AGED 24 YEARS  
D/O MUSTHAF A.P.P, OLIVE HOUSE,  
PUTHUSSEERYTHAZHE.P.O, KARIYAD, KANNUR,  
PIN - 673316.

BY ADVS.  
SRI.S.SREEKUMAR (SR)  
BABU KARUKAPADATH  
VAISAKHI V  
TITUS MANI VETOM  
P.SREEKUMAR  
SANEER P.M  
M.A.VAHEEDA BABU  
P.U.VINOD KUMAR  
ARYA RAGHUNATH  
KARUKAPADATH WAZIM BABU  
P.LAKSHMI  
AYSHA E.M.  
K.M.FIROZ  
SMT.VINITHA B., SR.GP  
SRI.P.SREEKUMAR (SR), SC, KUHS  
SRI.K.C.PRENJITH KUMAR, SC, NMC  
SMT.MARY BENJAMIN, SC ADMISSION SUPERVISORY  
COMMITTEE

THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING  
ON 03.10.2024, ALONG WITH WA.1481/2023, 1487/2023 AND  
CONNECTED CASES, THE COURT ON 18.10.2024 DELIVERED THE  
FOLLOWING:



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W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

FRIDAY, THE 18<sup>TH</sup> DAY OF OCTOBER 2024 / 26TH ASWINA, 1946

W.A. NO. 1481 OF 2023

AGAINST THE ORDER/JUDGMENT DATED 24.01.2023 IN WP(C)

NO.29278 OF 2022 OF HIGH COURT OF KERALA

APPELLANT/5TH RESPONDENT:

KANNUR MEDICAL COLLEGE,  
ANJARAKANDY, P.O., KANNUR REPRESENTED BY ITS  
PRINCIPAL, PIN - 670612.

BY ADVS.  
GEORGE POONTHOTTAM (SR.)  
ABDUL RAOOF PALLIPATH

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 4, 6 & 7:

- 1 AJAY P. JOSEPH,  
AGED 28 YEARS, S/O P.V JOSEPH,  
PUHTHENCHAKALAKAL HOUSE, CHANGAPUZHA ROAD,  
ERNAKULAM, PIN - 682024.
- 2 ANSILA SULTHANA  
AGED 28 YEARS, D/O ZAKIR HUSSAIN, MINA HOUSE,  
KAYYATH ROAD, THALASSERY, PIN - 670101.
- 3 MUHAMMED ROSHAN  
AGED 29 YEARS, S/O. EBRAHIM MEHAMOOD, SARAS,  
ARAYALA, AROLI.P.O, KANNUR, PIN - 670561.





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W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

- 4      **PARTH RAMESH**  
AGED 28 YEARS, S/O RAMESH, SAMARPANAM,  
MOONAMPEEDIKA, ARTILLERY ROAD, KANNUR,  
PIN - 670001.
- 5      **MANEESHA MANIYAN**  
AGED 29 YEARS, D/O MANIYAN, MANEESHA BHAVAN,  
VANDANAM.P.O, ALPUZHA, PIN - 688005.
- 6      **JESLET.K.ALBERT**  
AGED 28 YEARS, D/O ALBERT.K, VADAKANAZHIKATH  
HOUSE, CHANNAPETTA.P.O, ANCHAL, KOLLAM,  
PIN - 691311.
- 7      **NANDU.B.S**  
AGED 27 YEARS, S/O BALACHANDRAN, NANDANAM, TC  
49/1082, TNRA 105, OPP. SVM IP SCHOOL, STUDIO  
ROAD, ESTATE.P.O, THIRUVANANTHAPURAM- 695019.
- 8      **JESHIN SABU**  
AGED 27 YEARS, S/O K.I SABU, ZAM ZAM  
APPARTMENTS, PALAYAM, MAMBA.P.O, KANNUR,  
PIN - 670611.
- 9      **MUFEEDA BANU.A**  
AGED 27 YEARS, D/O MOIDEEN.A, ADATTIL HOUSE,  
CHANGUVETTY, KOTTAKKAL.P.O, MALAPURAM,  
PIN - 676503.
- 0      **S.IJAS MUHAMMED**  
AGED 27 YEARS, S/O SHARAFUDHEEN, NOOR MAHAL,  
EDAKULANGARA, KARUNAGAPALLY.P.O, KOLLAM,  
PIN - 690523.
- 11     **AYSHA SANA.M.V**  
AGED 26 YEARS, D/O SIDHIQU.M.V, RESIDING AT  
AYISHA'S, KIZHAKKE KOMALASSERY GA COLLEGE.P.O,  
CLAICUT, PIN - 673014.
- 12     **STATE OF KERALA**  
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY,  
HEALTH & FAMILY WELFARE DEPARTMENT, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.



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W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

- 13 DIRECTOR OF MEDICAL EDUCATION,  
DIRECTORATE OF MEDICAL EDUCATION, MEDICAL  
COLLEGE P.O., THIRUVANANTHAPURAM, PIN - 695011.
- 14 KERALA UNIVERSITY OF HEALTH SCIENCES,  
MEDICAL COLLEGE P.O., THRISSUR REPRESENTED BY  
ITS REGISTRAR, PIN - 680596.
- 15 CONTROLLER OF EXAMINATIONS,  
KERALA UNIVERSITY OF HEALTH SCIENCES, MEDICAL  
COLLEGE P.O., THRISSUR, PIN - 680596.
- 16 NATIONAL MEDICAL COMMISSION  
POCKET-14, SECTOR-8, DWARKA PHASE-1, 1NEW  
DELHI, REPRESENTED BY ITS CHAIRMAN,  
PIN - 110077.
- 17 KERALA ADMISSION SUPERVISORY AND FEE REGULATORY  
COMMITTEE FOR PROFESSIONAL COLLEGES  
T.C. 15/1553-4, PRASANTHI BUILDINGS, M.P APPAN  
ROAD, VAZHUTHACAUD, THIRUVANANTHAPURAM,  
PIN - 695014.

BY ADVS.

SRI.P.SREEKUMAR (SR)

SRI.S.SREEKUMAR (SR)

TITUS MANI VETOM

K.S.PRENJITH KUMAR

SMT.VINITHA B., SR.GP

SRI.K.C.PRENJITH KUMAR, SC, NMC

SMT.MARY BENJAMIN, SC ADMISSION SUPERVISORY  
COMMITTEE

THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING  
ON 03.10.2024, ALONG WITH WA.578/2023 AND CONNECTED  
CASES, THE COURT ON 18.10.2024 DELIVERED THE FOLLOWING:



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W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

FRIDAY, THE 18<sup>TH</sup> DAY OF OCTOBER 2024 / 26TH ASWINA, 1946

W.A. NO. 1487 OF 2023

AGAINST THE ORDER/JUDGMENT DATED 24.01.2023 IN WP(C)

NO.18960 OF 2022 OF HIGH COURT OF KERALA

APPELLANT/3RD RESPONDENT:

KANNUR MEDICAL COLLEGE  
ANJARAKANDY, P.O., KANNUR, REPRESENTED BY ITS  
PRINCIPAL, PIN - 670612.

BY ADVS.  
GEORGE POONTHOTTAM (SR.)  
ABDUL RAOOF PALLIPATH

RESPONDENTS/PETITIONERS AND RESPONDENTS 1, 2 & 4:

- 1     ATHUL ALEX  
      AGED 24 YEARS, S/O. NUJA KARUNESH, CHERUPUNNA  
      VILA VEEDU, KODANGAVILA P.O., NEYYATTINKARA,  
      THIRUVANANTHAPURAM, PIN - 695123.
- 2     AKHIL SAJ.S  
      AGED 24 YEARS, S/O. P. SAJEEV KUMAR, KANNANCODE  
      HOUSE, ANRA-45 C/1, POWDIKINAM P.O.,  
      THIRUVANANTHAPURAM, PIN - 695588.
- 3     NATIONAL MEDICAL COMMISSION  
      POCKET-14, SECTOR 8, DWARA PHASE -1, NEW DELHI,  
      PIN - 110077.



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W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

- 4 KERALA UNIVERSITY OF HEALTH SCIENCES  
MULANKUNNATHKAAVU, THRISSUR, REPRESENTED BY ITS  
REGISTRAR, PIN - 680596.
- 5 KERALA ADMISSION SUPERVISORY AND FEE REGULATORY  
COMMITTEE FOR PROFESSIONAL COLLEGES  
T.C 15/1553-4, PRASANTHI BUILDINGS, M.P APPAN  
ROAD, VAZHUTHACAUD, THIRUVANANTHAPURAM,  
PIN - 695014.

BY ADVS.

P.SREEKUMAR (SR)

S.SREEKUMAR (SR)

TITUS MANI VETTOM

K.S.PRENJITH KUMAR

SMT.MARY BENJAMIN

THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING  
ON 03.10.2024, ALONG WITH WA.578/2023 AND CONNECTED  
CASES, THE COURT ON 18.10.2024 DELIVERED THE FOLLOWING:



2024:KER:78023

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W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

FRIDAY, THE 18<sup>TH</sup> DAY OF OCTOBER 2024 / 26TH ASWINA, 1946

W.A. NO. 1490 OF 2023

AGAINST THE ORDER/JUDGMENT DATED 24.01.2023 IN WP(C)

NO.18726 OF 2022 OF HIGH COURT OF KERALA

APPELLANT/3RD ESPONDENT:

KANNUR MEDICAL COLLEGE  
ANJARAKANDY, P.O., KANNUR, REPRESENTED BY ITS  
PRINCIPAL, PIN - 670612.

BY ADVS.  
GEORGE POONTHOTTAM (SR.)  
ABDUL RAOOF PALLIPATH

RESPONDENTS/PETITIONERS AND RESPONDENTS 1, 2 & 4 TO 6:

- 1      AKSHAY ARAVIND,  
         AGED 25 YEARS  
         S/O. ARAVINDAKSHAN P, PERINCHIRA HOUSE,  
         MANNAMPATTA P.O, SREEKRISHNAPURAM, PALAKKAD,  
         PIN - 678633.
- 2      H. ABID  
         AGED 26 YEARS  
         S/O. HASBUDEEN KOYA ABID MANZIL,  
         KIZHAKKEPPURAMP.O., AYIROOR, VARKALA,  
         THIRUVANANTHAPURAM, PIN - 695310.



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W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

- 3      MICHAEL B KAKKASSERY  
         AGED 25 YEARS  
         S/O. BENO KAKKASSERY KAKKASSERY HOUSE, MATTOM  
         P.O., THRISSUR, PIN - 680602.
- 4      NAFEESA FAISAL  
         D/O. FAISAL VALIYAKATH CRESCENT ORCHID, P.T  
         USHA ROAD, CALICUT, PIN - 673032.
- 5      NIDHIN S  
         AGED 25 YEARS  
         S/O. SANTHOSH KUMAR KATTUNGAL HOUSE, PUNNPRA  
         P.O., ALAPPUZHA -688 004, PIN - 688004.
- 6      NOORIYA N.M  
         AGED 25 YEARS  
         D/O. MUNEEER K.B, AJWA, VETTUMAL P.O.,  
         KOTTAYAMPOIL, KADIRUR, KANNUR, PIN - 670691.
- 7      RADHIKA HARI  
         AGED 24 YEARS  
         D/O. HARI P.C PADIKKAL HOUSE, THAZHECHOVVA  
         P.O., KANNUR, PIN - 670018.
- 8      RAHANA N  
         AGED 24 YEARS  
         D/O. NOOR MUHAMMED M ROYAL VILLA AKSHAYA NAGAR,  
         KODUVAYUR P.O., KODUVAYUR, PALAKKAD,  
         PIN - 678501.
- 9      SHANA SHERIN  
         AGED 25 YEARS  
         D/O. ABDUL HAMEED C/O. THE AREEKODE INDUSTRIES,  
         POOVANCHERI HOUSE, AREECODE P.O., MALAPPURAM  
         -673 639, PIN - 673639.
- 10     SUHAIB T  
         AGED 25 YEARS  
         S/O. MUHAMMED T, THARAKKAL HOUSE, NARIPPARAMBU  
         P.O., KALADY, MALAPPURAM, PIN - 679573.



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W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

- 11 SYED MUHAMMED ANOOD ILYAS  
AGED 24 YEARS  
S/O. SYED MUHAMMED ILYAS ANOOD VILLA, THANA  
P.O., KANNUR, PIN - 670012.
- 12 NATIONAL MEDICAL COMMISSION  
POCKET-14, SECTOR 8, DWARA PHASE 1, NEW DELHI ,  
REP. BY SECRETARY, PIN - 110077.
- 13 KERALA UNIVERSITY OF HEALTH SCIENCES  
MULANKUNNATHKAAVU, THRISSUR, REPRESENTED BY ITS  
REGISTRAR, PIN - 680596.
- 14 STATE OF KERALA  
REPRESENTED BY THE PRINCIPAL SECRETARY  
DEPARTMENT OF HEALTH AND FAMILY WELFARE,  
GOVERNMENT SECRETARIAT, ANNEXE -2  
THIRUVANANTHAPURAM, PIN - 695001.
- 15 THE DIRECTOR OF HEALTH SERVICES  
DIRECTORATE OF HEALTH SERVICES, GENERAL  
HOSPITAL JUNCTION, THIRUVANATHAPURAM,  
PIN - 695035.
- 16 KERALA ADMISSION SUPERVISORY AND FEE REGULATORY  
COMMITTEE FOR PROFESSIONAL COLLEGES  
T.C 15/1553-4, PRASANTHI BUILDINGS, M.P APPAN  
ROAD, VAZHUTHACAUD, THIRUVANANTHAPURAM,  
PIN - 695014.

BY ADVS.  
SRI.S.SREEKUMAR (SR)  
SRI.P.SREEKUMAR (SR)  
TITUS MANI VETOM  
MARY BENJAMIN, SC  
SMT.VINITHA B., SR.GP

THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING  
ON 03.10.2024, ALONG WITH WA.578/2023 AND CONNECTED  
CASES, THE COURT ON 18.10.2024 DELIVERED THE FOLLOWING:



2024:KER:78023

16

W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRA

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

FRIDAY, THE 18<sup>TH</sup> DAY OF OCTOBER 2024 / 26TH ASWINA, 1946

W.A. NO. 1492 OF 2023

AGAINST THE ORDER/JUDGMENT DATED 24.01.2023 IN WP(C)

NO.21173 OF 2022 OF HIGH COURT OF KERALA

APPELLANT/5TH RESPONDENT:

KANNUR MEDICAL COLLEGE  
ANJARAKANDY P.O., KANNUR REPRESENTED BY ITS  
PRINCIPAL, PIN - 670612.

BY ADVS.  
GEORGE POONTHOTTAM (SR.)  
ABDUL RAOOF PALLIPATH

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 4, 6 & 7:

- 1     ABDUL MAJEED A.T  
      AGED 25 YEARS  
      S/O. MUHAMMED ALI A.T KOZHISSEERIMADU HOUSE,  
      PUTHUR PALLIKKAL P.O., MALAPPURAM,  
      PIN - 673636.
- 2     ABHINAD V.R  
      S/O. VINODKUMAR B THACAE KOPPARATH HOUSE,  
      MEPPAYYUR (PO) MEPPAYYUR, KOZHIODE,  
      PIN - 673524.





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- 3 ABIN MOHAN E.J  
S/O. JAYAMOHAN E MOHANAM HOUSE, HARISREE NAGAR  
NITC, KOZHIKODE, PIN - 673601.
- 4 AKASH A.P  
S/O. VINAYAKUMAR DAFFODILS HOUSE, CIVIL STATION  
KOZHIKODE, PIN - 673020.
- 5 ALISHA S.N  
D/O. A SULAIMAN A F NIVAS, THUMPODE, KALLARA  
(PO) THIRUVANANTHAPURAM, PIN - 695608.
- 6 ANAGHA E  
D/O. P.CHANDRAN JYOTHIS HOUSE, MUZHAPPILANGAD  
(PO) KANNUR, PIN - 670662.
- 7 ANJANA S. ARUN  
ANJANAM MUKHAVOOR, KARIPOOR (PO), NEDUMANGAD,  
THIRUVANANTHAPURAM, PIN - 695541.
- 8 ASHIDA O.T  
D/O. AZIZ O.T OONATHUKKIL HOUSE, MOOPAINAD  
MEPPADI (PO), WAYANAD, PIN - 673577.
- 9 ASHISH CHANDRAN  
S/O. CHANDRAN O.K ORAYAMPURAM HOUSE,  
AYNAMPADAM, NEMMARA (PO) PALAKKAD,  
PIN - 678508.
- 10 ATHIRA P.K  
D/O. SIVADASAN P.K PALAYADAN KANDY HOUSE,  
NADAVANNUR (PO) NADAVANNUR, KOZHIKODE,  
PIN - 673614.
- 11 AYSHA ANSAR C M  
D/O. ANSAR C.M OILVE HOUSE, P T.ROAD, VADAKARA,  
KOZHIKODE, PIN - 673101.
- 12 BAHJATH LAMIA  
D/O. ABOOBACKER C.A HIBATHULLAH HOUSE, T.N  
MOOLA, MUTTATHODY (PO) VIDYANAGAR, KASARAGOD,  
PIN - 671123.



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1512 and 1525 of 2023

- 13 CHRISTINA SHAJI  
PUNCHAKONAM, TC 10/387 (3), MUKKOLAKAL  
MANNANTHALA (PO), THIRUVANATHAPURAM,  
PIN - 695043
- 14 DEEPA B.V  
D/O. BHUVANENDRAN V DEEPA BHAVAN, BEHIND SHIVA  
TEMPLE PAROTTUKONAM, NALLANCHIRA (PO)  
THIRUVANANTHAPURAM, PIN - 695015.
- 15 DELNA JOSE  
D/O. JOSE JACOB PATHRAPANAKAL HOUSE, KOORALI  
(PO) KOTTAYAM, PIN - 686522.
- 16 FATHIMA FIDA K  
D/O. SHAFEEK RAHIMAN K M HOUSE, BEKAL, BEKAL  
FORT (PO) KASARAGOD, PIN - 671316.
- 17 FIDA JANNATH  
D/O. ABDUSALAM T THERAMBATH HOUSE, PARANNUR  
(PO) NARIKKUNI (VIA), KOZHIKODE, PIN - 673585.
- 18 GAYATHRI VARNA  
D/O. SASEENDRAN K.P, KOLATH HOUSE, KELAKAM (PO)  
KANNUR, PIN - 670674.
- 19 HAYA JAFLIN U.M  
D/O. ABDUL MAJEED YUPEE MANZIL, UDMA (PO),  
KASARAGOD, PIN - 671319.
- 0 HIBA NAFIA  
D/O. MUHAMMED ANVAR M.A PLOT 57, PADMA NAGAR,  
FOR (PO) THIRUVANANTHAPURAM, PIN - 695023.
- 21 HUSNA NASRIN K  
D/O. USMAN K THADATHIL HOUSE, TUNERI (PO),  
NADAPURAM KOZHOKODE, PIN - 673505.
- 22 KARTHIKA E,  
D/O. JAIPRAKASH E, ELEDATH HOUSE, ELAD (PO),  
CHERUKARA (VIA), MALAPPURAM, PIN - 679340.



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- 23 MALAVIKA SANTHOSH  
D/O. SANTHOSH KUMAR, KALAPPURAKKAL HOUSE, BAZAR  
(PO), BEACH WARDALAPPUZHA, PIN - 688012.
- 24 MARIYAM SHARIN  
D/O. FOROZ GUL SHAH, BAITH AL KHAIR HOUSE, BOAT  
JETTY ROAD, MUSA HAJIMUKK, PADANNA (PO),  
KASARAGOD, PIN - 671312.
- 25 MEGHA M.S  
D/O. MANIYAN K, MAKAM VILLA, NELLIVILA (PO)  
THIRUVANANTHAPURAM, PIN - 695523.
- 26 MUHAMMED RENIN C.P,  
S/O. THARACHANDY ABDULLA DARUL ABRAR HOUSE,  
18/7, KANHIRODE (PO, KANNUR, PIN - 670592.
- 27 MUHSINA C.P  
D/O. MUHAMMED P.P, MUHSINAS HOUSE, KALLAYI,  
HAJIMUCKU, ANJARAKKANDY (PO), KANNUR,  
PIN - 670612.
- 28 MUMTHASIRA T,  
D/O. ABOOBACKER, THODUVAYIL HOUSE, KADAVATHUR  
(PO), THALASSERY, KANNUR, PIN - 670676.
- 29 NITHYA JAYADEVAN  
D/O. JAYADEVAN S, MAHADEVA, THIRUPURAM (PO)  
THIRUVANANTHAPURAM, PIN - 695525.
- 0 RENJU KRISHNAN  
S/O. RADHAKRISHNAN PILLAI KRISHNA PRABHA HOUSE,  
PALICKAL (PO) KATTACHIRA, ALAPPUZHA, PIN -  
690503.
- 31 RESPANA HUSSAIN  
D/O. MOHAMMED HUSSAIN MOIDEEN DUA HOUSE, MELA  
CHEMPAD (PO), THALASSERY KANNUR, PIN - 670694.
- 32 SAHLA L  
D/O. SHADULI.P.P DARUSSALAM HOUSE, PATTAYAM,  
KOLACHERI (PO), KANNUR, PIN - 670601.



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- 33 SHAHLA ABDULLA  
D/O. ABDULLA N.P PAMBINEZHUTH HOUSE, KOLAVAYAL  
(PO) KANHANGAD, KASARAGOD, PIN - 671531.
- 34 SHIFLA THASMIN  
D/O. ROSHAN P.K PAMBINEZHUTHU HOUSE, D 19,  
MATHILAKAM (PO), THRISSUR, PIN - 680685.
- 35 RAHUL S  
S/O. B SREEKUMAR AMBADI HOUSE, SNRA-69 SUVARNA  
NAGAR, EROOR WEST TRIPUNITHURA, ERNAKULAM,  
PIN - 682306.
- 36 SUMAN SATHAR  
S/O. ABDUL SATHAR RASMA HOUSE, NORTH KOVVAL,  
TRIKARPUR (PO) KASARAGOD, PIN - 671310.
- 37 THAHIRA SHIRIN M  
D/O. BASHEER M MATHILANCHERI HOUSE,  
CHENAKKALANGADI (PO) THENHIPPLAM, MALAPPURAM,  
PIN - 673636.
- 38 VISHNUPRIYA  
S/O. SOMAN BABU H E 4, P H B COLONY FOCAL  
POINT, JAMALPUR, LUDHIANA, PANJAB,  
PIN - 141010.
- 39 STATE OF KERALA  
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY,  
HEALTH & FAMILY WELFARE DEPARTMENT, GOVERNMENT  
SECRETARIAT THIRUVANANTHAPURAM, PIN - 695001.
- 0 DIRECTOR OF MEDICAL EDUCATION  
DIRECTORATE OF MEDICAL EDUCATION, MEDICAL  
COLLEGE P.O., THIRUVANANTHAPURAM, PIN - 695011.
- 41 KERALA UNIVERSITY OF HEALTH SCIENCES,  
MEDICAL COLLEGE P.O., THRISSUR, REPRESENTED BY  
ITS REGISTRAR, PIN - 680596.
- 42 CONTROLLER OF EXAMINATIONS,  
KERALA UNIVERSITY OF HEALTH SCIENCES, MEDICAL  
COLLEGE P.O., THRISSUR, PIN - 680596.



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- 43 NATIONAL MEDICAL COMMISSION  
POCKET-14, SECTOR 8, DWARKA PHASE 1, NEW DELHI  
REPRESENTED BY ITS CHAIRMAN, PIN - 110077.
- 44 KERALA ADMISSION SUPERVISORY AND FEE REGULATORY  
COMMITTEE FOR PROFESSIONAL COLLEGES, T.C.  
15/1553-4, PRASANTHI BUILDINGS, M.P APPAN ROAD,  
VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695014.

BY ADVS.  
S.SREEKUMAR (SR)  
P.SREEKUMAR (SR)  
TITUS MANI VETOM  
K.S.PRENJITH KUMAR, CGC  
MARY BENJAMIN, SC  
VINITHA B., SR.GP

THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING  
ON 03.10.2024, ALONG WITH WA.578/2023 AND CONNECTED  
CASES, THE COURT ON 18.10.2024 DELIVERED THE FOLLOWING:



2024:KER:78023

22

W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

FRIDAY, THE 18<sup>TH</sup> DAY OF OCTOBER 2024 / 26TH ASWINA, 1946

W.A. NO. 1512 OF 2023

AGAINST THE ORDER/JUDGMENT DATED 24.01.2023 IN WP(C)

NO.21765 OF 2022 OF HIGH COURT OF KERALA

APPELLANT/3RD RESPONDENT:

KANNUR MEDICAL COLLEGE  
ANJARAKANDY, P.O., KANNUR, REPRESENTED BY ITS  
PRINCIPAL, PIN - 670612.

BY ADVS.  
GEORGE POONTHOTTAM (SR.)  
ABDUL RAOOF PALLIPATH

RESPONDENTS/PETITIONERS AND RESPONDENTS 1, 2 & 4 TO 6:

- 1 FATHIMA SHANI V.K  
AGED 24 YEARS, D/O. MUHAMMED SALEEM V.K NADEERA  
MANZIL HOUSE, AYANCHERI P.O., VATAKARA,  
KOZHIKODE, PIN - 673541.
- 2 ANIT PAULSON  
AGED 24 YEARS, D/O. PAULSON C.J CHERUVATHUR  
HOUSE, EAST FORT P.O., PUTHENVETTUVAZHY,  
NELLANKARA, THRISSUR, PIN - 680005.



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1512 and 1525 of 2023

- 3      **NIYAF PUTHIYA VEETIL**  
AGED 24 YEARS, S/O. PUTHIYA VEETIL ABDULLA  
PUTHIYA VEETIL HOUSE, NEAR THENdapARAMBU  
KADAVATHUR P.O., KANNUR, PIN - 670676.
- 4      **KIRANLAL. S**  
AGED 24 YEARS, S/O. SREELAL. S KAILAS HOUSE,  
NAMBIYARKULAM, PALLIPURAM P.O., KANIYAPURAM,  
THIRUVANANTHAPURAM, PIN - 695316.
- 5      **AMINA SITHARA M**  
AGED 25 YEARS, D/O. SAIK M, MADAYI HOUSE,  
THIRUVALLUR P.O., VATAKARA, KOZHIKODE,  
PIN - 673541.
- 6      **ABIRAMI KRISHNA N**  
AGED 24 YEARS, D/O. SATHYA NARAYANAN N  
NEELANJANAM, KOVILAKATHUMURI, NILAMBUR P.O.,  
MALAPPURAM, PIN - 679329.
- 7      **NATIONAL MEDICAL COMMISSION**  
POCKET-14, SECTOR - 8, DWARA PHASE - 1, NEW  
DELHI, PIN - 110077.
- 8      **KERALA UNIVERSITY OF HEALTH SCIENCES**  
MULANKUNNATHUKAAVU, THRISSUR, REPRESENTED BY  
ITS REGISTRAR, PIN - 680596.
- 9      **STATE OF KERALA**  
REPRESENTED BY THE PRINCIPAL SECRETARY,  
DEPARTMENT OF HEALTH AND FAMILY WELFARE,  
GOVERNMENT SECRETARIAT, ANNEX - 2  
THIRUVANANTHAPURAM, PIN - 695001.
- 10     **THE DIRECTOR OF HEALTH SERVICES**  
DIRECTORATE OF HEALTH SERVICES, GENERAL  
HOSPITAL JUNCTION, THIRUVANANTHAPURAM,  
PIN - 695035.
- 11     **KERALA ADMISSION SUPERVISORY AND FEE REGULATORY**  
**COMMITTEE FOR PROFESSIONAL COLLEGES**  
T.C. 15/1553-4, PRASANTHI BUILDINGS, M.P APPAN  
ROAD, VAZHUTHACAUD, THIRUVANANTHAPURAM- 695014.



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SRI.S.SREEKUMAR (SR)  
SRI.P.SREEKUMAR (SC)  
ADV K.S.PRENJITH KUMAR  
SMT.MARY BENJAMIN, SC  
SMT.VINITHA B., SG.GP

THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING  
ON 03.10.2024, ALONG WITH WA.578/2023 AND CONNECTED  
CASES, THE COURT ON 18.10.2024 DELIVERED THE FOLLOWING:





2024:KER:78023

25

W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

&

THE HONOURABLE MR.JUSTICE P.G. AJITHKUMAR

FRIDAY, THE 18<sup>TH</sup> DAY OF OCTOBER 2024 / 26TH ASWINA, 1946

W.A. NO. 1525 OF 2023

AGAINST THE ORDER/JUDGMENT DATED 24.01.2023 IN WP(C)

NO.29361 OF 2022 OF HIGH COURT OF KERALA

APPELLANT/5TH RESPONDENT:

KANNUR MEDICAL COLLEGE  
ANJARAKANDY P.O., KANNUR, REPRESENTED BY ITS  
PRINCIPAL, PIN - 670612.

BY ADVS.  
GEORGE POONTHOTTAM (SR.)  
ABDUL RAOOF PALLIPATH

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 TO 4, 6 & 7:

- 1 BHARAT RAJ  
AGED 27 YEARS, S/O. D.RAJENDRAN NAIR,  
PUTHENPURACKAL, THARAYIL MUTHUKULAM, NORTH  
(PO), PIN - 690506.
- 2 AMAL ROSHAN A.K.,  
AGED 29 YEARS, S/O. AJIDHAN V.B, VAIPPIL HOUSE,  
MADATHIKKARA VAIPPIL ROAD, IRINJALAKUDA,  
PIN - 680121.



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- 3 FAIZ MANZOOR AHMED  
AGED 28 YEARS, S/O. DR. MANZOOR AHMED  
CHUNGASSERI MANZIL, PULLIMAN JUNCTION,  
KARUNAGAPALLU (PO), KOLLAM, PIN - 690518.
- 4 ATHUL VARGHESE  
AGED 29 YEARS, S/O. VARGHESE, SRUTHY BHAVAN  
PULAMON, KOTTARAKARA (PO), KOLLAM,  
PIN - 691531.
- 5 HONEY BALA  
AGED 26 YEARS, D/O. G.MAHENDRAN, THANICKAL (H),  
MAMOOD, CHANDANATHOPE (PO) KOLLAM, PIN -  
691014.
- 6 BISMIYA SHUKOOR  
AGED 31 YEARS, D/O. P.M ABDUL SHUKOOR, PUTHEN  
VILLA VEEDU, MANCODE.P.O, PATHANAPURAM, KOLLAM  
DISTRICT, PIN - 689694.
- 7 SANJU SHAJAHAN  
AGED 30 YEARS, D/O. SHAJAHAN P M PUNNEKOTTAYIL  
(H), KOTHAMANGALAM, ERNAKULAM, PIN - 686691.
- 8 CHRISTINA JUDITH FONSECA  
AGED 29 YEARS, D/O. LOVELYN PJJ FONSECA, RELCON  
ASHIYANA VILLA-14, THAIKATTUKARA (PO),  
ERNAKULAM., PIN - 683106.
- 9 ASHNA ASSIS  
AGED 29 YEARS, D/O. ASSIS N A, PEECHAMPILLY  
(H), B.M.C (PO) VAZHAKALA, KAKKANAD, COCHIN,  
PIN - 682021.
- 0 STATE OF KERALA  
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY,  
HEALTH & FAMILY WELFARE DEPARTMENT, GOVERNMENT  
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001.
- 11 DIRECTOR OF MEDICAL EDUCATION  
DIRECTORATE OF MEDICAL EDUCATION, MEDICAL  
COLLEGE P.O., THIRUVANANTHAPURAM, PIN - 695011.



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- 12 KERALA UNIVERSITY OF HEALTH SCIENCES  
MEDICAL COLLEGE P.O., THRISSUR , REPRESENTED BY  
ITS REGISTRAR, PIN - 680596.
- 13 CONTROLLER OF EXAMINATIONS  
KERALA UNIVERSITY OF HEALTH SCIENCES, MEDICAL  
COLLEGE P.O., THRISSUR, PIN - 680596.
- 14 NATIONAL MEDICAL COMMISSION  
POCKET-14, SECTOR-8, DWARKA PHASE -1, NEW  
DELHI, REPRESENTED BY ITS CHAIRMAN,  
PIN - 110077.
- 15 KERALA ADMISSION SUPERVISORY AND FEE REGULATORY  
COMMITTEE FOR PROFESSIONAL COLLEGES  
T.C. 15/1553-4, PRASANTHI BUILDINGS, M.P APPAN  
ROAD, VAZHUTHACAUD, THIRUVANANTHAPURAM,  
PIN - 695014.

SRI.S.SREEKUMAR (SR)  
SRI.P.SREEKUMAR (SR)  
BY ADV K.S.PRENJITH KUMAR, SC, NATIONAL MEDICAL  
COMMISSION  
SMT.MARY BENJAMIN, SC  
SMT.VINITHA B., SR.GP

THIS WRIT APPEAL HAVING COME UP FOR FINAL HEARING  
ON 03.10.2024, ALONG WITH WA.578/2023 AND CONNECTED  
CASES, THE COURT ON 18.10.2024 DELIVERED THE FOLLOWING:



W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023

**ANIL K. NARENDRAN & P.G. AJITHKUMAR, JJ.**

**W.A.Nos.578, 1481, 1487, 1490, 1492,  
1512 and 1525 of 2023**

**Dated this the 18<sup>th</sup> day of October, 2024**

**JUDGMENT**

P.G.Ajithkumar, J.

In these appeals filed under Section 5(i) of the Kerala High Court Act, 1958, the appellant-Kannur Medical College challenges the common judgment dated 24.01.2023 in W.P. (C) No.18595, 18726, 18960, 21173, 21765, 29278, 29361 and 29606 of 2022. The writ petitions were filed by different sets of students of 2017 MBBS Batch in the appellant-College. A few students of earlier batches, whose courses lagged also are among the petitioners. Their common grievance was that they were prohibited by the Kerala University of Health Sciences (for short "KHUS") from attending 3<sup>rd</sup> professional MBBS Part II clinical examination to be held from 31.03.2022 citing the reason that they were not imparted necessary clinical training in terms of the course curricula by the appellant-College.



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2. The learned Single Judge issued various interim orders, copies of which are Annexures 1 to 12 with the result that all the petitioners were shifted to other self-financing medical colleges enabling them to undergo clinical training prescribed for the 3<sup>rd</sup> professional MBBS Part II and also to complete the rest of their course. In terms of the interlocutory order dated 28.10.2022, Kerala Admission Supervisory and Fee Regulatory Committee for Professional Colleges (for short "the Fee Regulatory Committee") was impleaded in the writ petitions. The Fee Regulatory Committee was directed to quantify the fees paid by each of the students to the appellant-College including for the 3<sup>rd</sup> professional MBBS Part II Clinical Course and also the fees entitled by the transferee colleges on account of undertaking the courses to the writ petitioners. The Fees Regulatory Committee was directed also to take necessary steps to ensure payment of fees to the transferee colleges, which they are entitled, by the appellant-college or the students, as the case may be. The appellant-college challenges the legality and correctness of the common judgment dated 24.01.2023 as well as the interlocutory orders, Annexures 1 to 12 in these writ appeals.



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3. When W.A.No.578 of 2023 came up for consideration on 12.07.2023, this Court ordered that the decision of the 43<sup>rd</sup> respondent-Fee Regulatory Committee pursuant to the direction contained in the impugned judgment would be subject to the outcome of the appeal. It was observed also that such an order was issued without prejudice to the contentions raised by respondents No.1 to 32 and 40 to 42 on the maintainability of the writ appeal.

4. Heard the learned Senior Counsel Sri.George Poonthottam, who appeared on instructions for the appellant, the Senior Counsel Sri.S.Sreekumar, appearing on instructions for Dr.Somervell Memorial CSI Medical College, the Senior Counsel Sri.P.Sreekumar, appearing on instructions for the Kerala University of Health Science, Smt.Mary Benjamin, the learned Standing Counsel for Admission Supervisory and Fees Regulatory Committee, the learned Central Government Counsel, Sri.S.Vinod Bhat, the learned counsel appearing for the Kerala Private College Management Association and Sri.K.M.Firoz and Smt.M.A.Vaheeda Babu, the learned counsel for other party respondents.



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5. It is not in dispute that the writ petitioners were the students of the appellant-Kannur Medical College. Majority of them were regular 2017 MBBS Batch students. A few were from the earlier batches. On account of lagging, they also happened to do the course along with regular students of the 2017 batch. All those students had to attend the clinical examination of 3<sup>rd</sup> professional MBBS Part II scheduled to be held from 31.03.2022. However, the KUHS issued letter dated 25.03.2023 to the principal of the appellant-college (Ext.P5 in W.P.(C) No.18595 of 2022, which was marked as different exhibits in other writ petitions) informing that the KUHS had decided not to permit 2017 admission MBBS students of the appellant-college to register for the third professional MBBS Part II Examination scheduled to be commenced from 31.03.2022. The reason cited thereof was that the said students were not imparted proper clinical posting/training in terms of the approved syllabus and that would be detrimental to the long term interest of the students as well as the society at large. Such a decision was seen taken by the KUHS in the light of the surprise inspection at Kannur Medical College on



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11.01.2022 and 23.03.2022, recommendation of the committee constituted to study the issues of Kannur Medical College and the views of the students at the hearing conducted by the Vice Chancellor of KUHS on 18.03.2022.

6. The learned Single Judge, after considering the points at dispute and hearing the parties, issued Annexure-1 order asking the KUHS and the Government as to the period of time within which the writ petitioners could complete their training as stipulated in the syllabus for taking the next supplementary examination. The said order followed various interlocutory orders, namely, Annexures 2, 3, 4 & 5 and Annexure 6 dated 25.08.2022, wherein the KUHS was directed to take steps to transfer the writ petitioners to other self-financing colleges or other colleges under it. In the said order, i.e., Annexure 6, the learned Single Judge issued the following directions:

“(a) The KUHS will transfer all the students to the Self Financing Colleges or other colleges under them; and I record record the submissions of the learned Government Pleader that they have full concurrence from the competent Authority of the Government in this





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regard. This shall be done not later than 31.08.2022.

- (b) If, the KUHS finds any legal impediment in complying with direction (a) above, they will bring it to the notice of the DME and CEE not later than 5.00 p.m. on 27.08.2022; in which event, the said Authorities will take immediate steps to have the students transferred to appropriate colleges.
- (c) On the transfer being so effected, a list of the students and the colleges to which they are transferred, will be made available before this Court by the KUHS not later than 01.09.2022.
- (d) The Kannur Medical College will inform this Court about their views on the remittance of the proportionate fees to the colleges to which the students are transferred, by the next posting date."

7. In obedience to the said order, the KUHS issued order UO No.18836/2020/1-ACI/Med/A3/KUHS dated 31.08.2023. In terms of the said order, the students, who are the writ petitioners, were transferred to various self-financing medical colleges affiliated to KUHS. A list of the transferred students was annexed to the order. The principal of the appellant-College was directed to comply with the said direction and also the order of this Court, and to relieve the students with immediate effect enabling them to join in the



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newly allotted Medical Colleges. Necessary directions in regard to the follow up were also given by the KUHS. indisputably, all the students were accordingly shifted to the transferee colleges.

8. One among the transferee colleges, MES Medical College, Perinthalmanna, Malappuram filed W.A.No.1399 of 2022 challenging the said order. The appellant-Kannur Medical College was respondent No.7 in that appeal. A Division Bench of this Court after hearing both sides dismissed that appeal as per the judgment dated 23.09.2022. The contention of MES Medical College was that being a minority institution it could not be compelled to admit the transferred students. The Division Bench did not accede to the said contention and directed MES Medical College to admit the students allotted to that college. Accordingly, the students were admitted in that college and they were imparted necessary training. By that judgment the order of the learned Single Judge to transfer the writ petitioners to other self-financing Medical Colleges was confirmed, and there was no further challenge that order.



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9. From the above turn of events, it is clear that all parties to the appeals acted upon the directions of the learned Single Judge in regard to the transfer of the writ petitioners from the Kannur Medical College to various other Self-financing Medical Colleges, which were parties to the respective writ petitions.

10. The learned Single Judge observed in Annexure 8 order dated 16.09.2022 that none of the colleges to which students from the Kannur Medical College were transferred, required to harbor any fear regarding the fees, if any, since this Court certainly will issue apposite orders at the appropriate time with respect to the same. Subsequently as per Annexure 9 order dated 23.09.2022 it was ordered that the court will decide upon the amount to be paid by the petitioners subject to any fees that may be charged by the college to which they were transferred and the transferee colleges were directed to begin their training. As per Annexure 11 order dated 28.10.2022 and Annexure 12 order dated 13.01.2023, it was observed that the transferee colleges will be duly compensated for the training they have imparted to



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the transferred students and the colleges were directed to proceed with their courses without waiting for the fees, if any, to be paid by the students. The further observation was that the modalities for payment of fees; be by the Kannur Medical College or by the students, for the courses of study imparted by the transferee colleges would be worked out.

11. The learned Single Judge impleaded the Fee Regulatory Committee and proceeded to render the common judgment dated 24.01.2023, which is impugned in this appeal. The directions in the said judgment are the following:

- “(a) All the interim orders issued by this Court in these cases, including the ones extracted above, are confirmed.
- (b) The 12<sup>th</sup> respondent – Kerala Admission Supervisory and Fee Regulatory Committee for Professional Colleges, will immediately hear the students, the Kannur Medical College, as also the colleges to which the former have been transferred; and issue orders with respect to payments – including proportionate fees – to be made, either by the students or by the Kannur Medical College, to the respective colleges to which various petitioners in these cases have been transferred.
- (c) While completing the exercise as afore, the “Committee” will be obligated to call for all relevant data from the Kannur Medical College, as also any other germane



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documents or inputs to be made available by the students who have been transferred; and to assess the same and adjudicate the amounts, either payable by or recoverable from the students.

- (d) On the assessment of the afore being completed, the "Committee" will make specific provisions for payment of fees by the students to the colleges to which they were transferred, in the event they are found not to have made such remittances to the Kannur Medical College in the past; and as regards those students who found to have made such remittances, necessary directions will also be issued to the Kannur Medical College to transfer the same to the respective colleges, to which the said students were transferred.
- (e) As far as the examinations of the students are concerned, I record the submissions of Sri.P.Sreekumar – learned Standing Counsel for the KUHS, that requisite notifications for the same shall be published as per usual protocols, and that they will be allowed to participate and write the same, de hors the actual payment of fees, but subject to the decision to be taken by the "Committee".
- (f) The exercises as afore ordered shall be completed by the "Committee" within a period of two months from the date of receipt of a copy of this judgment; for which purpose, I direct the students, the colleges to which they are transferred, as also the Kannur Medical College, to implicitly co-operate in the enquiries to be conducted and to mark appearance before the "Committee" at 11 a.m., on 06.02.2023."



12. The learned Senior Counsel for the appellant would submit that the learned Single Judge travelled far beyond the scope of the writ petitions by issuing the aforementioned directions to the appellant, the transferee colleges and also the Fee Regulatory Committee. The relief claimed was only to quash Ext.P5 order issued by the KUHS and to allow the writ petitioners to attend their 3<sup>rd</sup> Professional MBBS Part II Examination scheduled to be conducted from 31.03.2022. It is urged that instead of confining to the said reliefs, the learned Single Judge traversed beyond. Not only that the directions were issued to the other colleges to admit the writ petitioners, but also directed the Fee Regulatory Committee to conduct an enquiry for quantification of the fees to be paid to the transferee colleges and empowered the Committee to give various instructions, which are said to be far beyond the purview of the provisions of the Kerala Medical Education (Regulation and Control of Admission to Private Medical Educational Institutions) Act, 2017 (for short "the Medical Education Act") under which the Fees Regulatory Committee was constituted.



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13. In **Sachin Kashyap v. Sushil Chandra Srivastava [(2021) 19 SCC 758]** the Apex Court considered the scope of a writ court granting reliefs, which are beyond the pleadings and prayers in the petition. The Apex Court held that the Writ Petition having been filed for a particular cause and with a particular prayer cannot be expanded to cover within its ambit all the issues which may be of general or public importance without there being any pleadings or prayer with regard to that particular issue. It was held, no directions having general ramification could have been issued, especially in a private litigation which was not in the nature of Public Interest Litigation. The immediate reason cited thereof was, prior to passing any such order of public importance, the affected parties should be impleaded, at least in a representative capacity.

14. It is true that in these writ petitions, the reliefs sought were to enable the petitioners to attend their 3<sup>rd</sup> Professional MBBS Part II clinical examination scheduled to be conducted from 31.03.2022. In order to enable the petitioners for that, they sought to set aside Ext.P5 order issued by the



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KUHS barring them from attending the said examination. As stated, the reason for barring the writ petitioners from attending the examination were that they were not imparted training, particularly, clinical exposure as prescribed by the syllabus.

15. The interlocutory orders, which culminated in Annexure 6, containing direction to the KUHS to transfer the writ petitioners from Kannur Medical College to other self-financing medical colleges were for making them eligible to attend the said examination. The relief thus granted cannot be said to be beyond the scope of the pleadings and prayers, although that relief did not strictly confine to the pleadings and prayers. At any rate, the learned Single Judge did not proceed to issue any general or public spirited orders so as to attract the mischief of the law laid down in **Sachin Kashyap [(2021) 19 SCC 758]**.

16. The learned Senior Counsel for the appellant would submit that the interlocutory orders, Annexures 1 to 12 were confirmed only by the impugned judgment and therefore, the appellant could challenge them only thereafter. Otherwise





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also, the appellant is entitled to challenge interlocutory orders in the appeal preferred against the judgment. Thus, it is urged that the objection raised by the respondents as to the entitlement of the appellant to challenge the interlocutory orders in these appeals are untenable.

17. Sri.Vinod Bhat, the learned counsel appearing for the Kerala Private College Management Association, would submit that all the said interlocutory orders were independently appealable and as the appellant did not venture to assail those orders, it is estopped from challenging those orders in these appeals. He places reliance in the above regard on the principles derivated in **Midnapore Peoples Co-operative Bank Limited v. Chunilal Nanda [(2006) 5 SCC 399]**.

18. Both judgments and orders are made appealable under Section 5(i) of the Kerala High Court Act. A Five-Judge Bench of this Court in **K.S.Das v. State of Kerala [1992 KHC 366]** held that interlocutory orders which decided rights of the parties are appealable under Section 5(i) of the Kerala High Court Act. A Division Bench of this Court followed the



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principles laid down in **K.S.Das [1992 KHC 366]** by the Larger Bench in **Alfa One Global Builders Pvt.Ltd. v. Nirmala Padmanabhan [2023 (7) KHC 1]**.

19. What was held in **K.S.Das [1992 KHC 366]** is that even an ad-interim order, if it substantially affects the substantive rights and liabilities of the parties, is appealable. The said principle gains affirmation from **Midnapore Peoples Co-operative Bank Limited [(2006) 5 SCC 399]**.

20. As a matter of fact, the order dated 16.09.2022 in W.P.(C) No.29606 of 2022 was challenged by MES Medical College in W.A.No.1399 of 2022. As pointed out above, the appellant was also a party to that appeal and the same ended in dismissal. It was as per the said order dated 16.09.2022, the learned Single Judge directed to transfer the writ petitioners from the appellant-College to various other self-financing medical colleges. Not only that the order of the learned Single Judge in that regard has become final, but also the order issued by the KUHS directing the transfer of the writ petitioners from the appellant college to other self-financing medical colleges stands unassailed. The said order was



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extracted in the judgment in W.A.No.1399 of 2022. It is pertinent that in pursuance of those orders, the appellant relieved the students and all of them took admission in the respective transferee colleges. Now, it is too late for the appellant to raise contentions that Annexures 1 to 6 orders culminating in transfer of the writ petitioners from the appellant-College to other self-financing medical colleges are illegal or incorrect. Therefore, challenge against those interlocutory orders is not liable to be countenanced.

21. What remains is the challenge to the direction regarding payment of fees to the transferee colleges and empowerment of the Fees Regulatory Committee to enquire into and formulate modalities for such payment. The learned Senior Counsel for the appellant would submit that the writ court could not trace powers to issue such directions to the provisions of the Medical Education Act or to its inherent powers.

22. Sri.S.Sreekumar, the learned Senior Counsel would submit that only on account of the orders of this Court, the students were admitted in the transferee colleges. Also,



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various colleges while doing so had acted upon the assurance by this Court concerning fees made in its various orders. It is further submitted that the appellant college has received entire fees whereas, it is not entitled to retain the same for the simple reason that it did not impart training to the students.

23. Coming to the powers of the Fee Regulatory Committee, the Senior Counsel as well as other counsel appearing for the party respondents and also Smt.Mary Benjamin appearing for the Fee Regulatory Committee would submit that the directions issued in that regard certainly come within the purview of the Medical Education Act. Smt.Mary Benjamin invited our attention to the orders of the Apex Court in SLP(C) No.23225 of 2018 so as to fortify the said contention.

24. "*Actus curiae neminem gravabit*" means an act of the court shall prejudice no one. Even if the act of the court is not sanctified by law, the same would not result in prejudice to a party to the litigation. This principle was explained by the Constitution Bench of the Apex Court in **A.R.Antulay v.**



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**R.S.Nayak [(1988) 2 SCC 602]**. It was held that the maxim is not of a source of a general power to reopen and rehear adjudication, which have otherwise assumed finality. The further observation is that errors in judicial findings either of facts or of law or operative decision consciously arrived at as a part of the judicial exercise cannot be interfered with by resort to the maxim.

25. A Full Bench of this Court in **Unnikrishnan Nair G.S. v. State of Kerala [2019 (2) KHC 24]** held that the *sine quo non* for attracting maximum *actus curiae neminem gravabit* is that the parties to the litigation must have suffered prejudice or clear detriment solely on account of the orders of the court.

26. That is the situation obtained in these cases. Only on account of the orders of this Court, the transferee colleges were compelled to admit the writ petitioners. The consequent obligation which has to be shouldered by the appellant is to transfer the amount of fees it has received from the students, but no instruction/training was imparted in consideration of such fees. When the transferee medical colleges admitted the



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students and imparted instructions/training only on account of the orders of this Court, it is well within the powers of this Court to ensure that fees collected by the appellant, in consideration of which it did not impart instruction/coaching, is to be paid to the transferee colleges. It was for that purpose this Court issued the subsequent interlocutory orders from Annexures 8 to 12 and also the relevant directions in the impugned judgment.

27. The Fee Regulatory committee is constituted under Section 3 of the Medical Education Act. The purpose of its constitution is, inter alia, to fix the fee that may be charged from students, who get admission in the private medical educational institutions. Section 8 enumerates the powers and functions of the Committee. Clause (a) of Section 8(1), Section 8(3) and clause (c) of Section 8(4) of the Medical Education Act, which are of relevant consideration, read as follows:-

- "8. Powers and functions of the Committee.- (1) xx xx  
(a) require a private medical educational institution to furnish, within a specified date, information, documents or records as may be necessary for enabling the Committee to



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determine the fee that may be charged by the institution in respect of each medical course, and the fee so determined by the Committee shall be valid for such period as may be notified by the Government.

xx xx

(3) The fee determined by the Committee shall be applicable to a student who is admitted to a private medical educational institution in that academic year and shall not be revised till the completion of his course in the said institution or University. No private medical educational institution shall collect a fee amounting to more than one year's fee from a student in an academic year. Collection of more than one year's fee in an academic year shall be construed as collecting of capitation fee and shall be liable to be proceeded against.

xx xx

(4)(c) Order the institution to refund to the student within such time as specified in the order, any amount received by the institution in excess of the fees fixed by the Committee or any amount received by way of capitation fee or any amount received for profiteering:

Provided that if the institution fails to refund the amount within the specified time to the student, the same shall be recoverable along with interest thereon at the rate of twelve per cent per annum as if it were an arrear of public revenue due on land and paid to the student."

28. Sub-section (3) of Section 8 postulates that the fee determined by the Committee shall be applicable to students, who are admitted to private medical educational institutions in



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that academic year and such fees shall not be revised till completion of their course. The private medical educational institutions are prohibited also from collecting fees amounting to more than one year's fees from any student in an academic year.

29. It can be discerned from sub-section (4) of Section 8 of the Medical Education Act that the Committee has powers to order private educational institutions to refund fees to the students, if any collected in violation of the provisions in Section 8. Clause (c) of Section 8(4) says that any amount received by a private medical educational institution for profiteering is liable to be refunded. If the institution fails to comply with such a direction, the same along with interest at the rate of 12% per annum can be recovered as if it were an arrear of public revenue due on land.

30. SLP(C) No.23225 of 2018 was filed by the appellant challenging order of this Court dated 01.08.2018 in W.P.(C) No.25895 of 2018. The question was regarding refund of the fees to the students whose admission to the said college was cancelled. The Apex Court ordered the appellant to repay





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double the amount of the fees it had collected from the students, as per the order dated 04.09.2018. In that order, the Apex Court held that the Fee Regulatory Committee shall ensure the repayment meaning thereby that Committee is empowered to ensure such refund of fees in exercise of its powers under the Medical Education Act. The said dictum recognises the power of the Fees Regulatory Committee to step in the matters of refund or return of fees collected by a private medical educational institution.

31. In the light of the provisions in the Medical Education Act, which are adverted to above and the law laid down by the Apex Court in the aforementioned decision, it is obvious that the Fee Regulatory Committee has empowerment to enquire into and oversee the payment of fees to the self financing medical colleges to which the writ petitioners were transferred from the appellant-college.

32. As per the impugned judgment, the Fee Regulatory Committee was directed to issue orders with respect to payment - including proportionate fee - to be made by the students or by the appellant college. In order to come to the conclusion



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concerning the proportionate fees an enquiry by the Fee Regulatory Committee was also directed. We held above that such an exercise can be done by the Committee under the provisions of the Medical Education Act, particularly, in the exercise of powers under sub-section (3) of Section 8. The provision in clause (c) of Section 8(4) of the Medical Education Act which enables the Committee to order a medical education institution to pay to the students back the amounts received for profiteering is also a source of such powers of the Committee.

33. As a matter of fact, the Fee Regulatory Committee already had the exercise of computing the fees-including proportionate fees - to be paid to the transferee colleges by the appellant or the students, as the case be, and prepared its report. The Committee can proceed to take necessary action in terms of the report as is empowered by the provisions of the Medical Education Act. Any party having a grievance in the matter, may resort to the remedy in accordance with law before the appropriate forum.

In view of what are stated above, we are of the view that no interference to the impugned judgment or the



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interlocutory orders, which stood confirmed by the said judgment, is required, except to the extent indicated in paragraph No.33. The appeals are disposed of accordingly.

Sd/-

**ANIL K. NARENDRAN, JUDGE**

Sd/-

**P.G. AJITHKUMAR, JUDGE**

dkr



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**APPENDIX OF WA 578/2023**

**PETITIONER ANNEXURES**

|                    |   |
|--------------------|---|
| <b>ANNEXURE 1</b>  | <b>TRUE COPY OF THE INTERIM ORDER DATED<br/>24.6.22 IN WPC 18595/2022</b>   |
| <b>ANNEXURE 2</b>  | <b>TRUE COPY OF THE INTERIM ORDER DATED<br/>29.6.2022</b>                   |
| <b>ANNEXURE 3</b>  | <b>TRUE COPY OF THE INTERIM ORDER DATED<br/>18.7. 2022</b>                  |
| <b>ANNEXURE 4</b>  | <b>TRUE COPY OF THE INTERIM ORDER IN WPC<br/>18595/2022 DATED 3.8.2022</b>  |
| <b>ANNEXURE 5</b>  | <b>TRUE COPY OF THE INTERIM ORDER IN WPC<br/>18595/2022 DATED 19.8. 22</b>  |
| <b>ANNEXURE 6</b>  | <b>TRUE COPY OF THE INTERIM ORDER IN WPC<br/>18595/2022 DATED 25.8.2022</b> |
| <b>ANNEXURE 7</b>  | <b>TRUE COPY OF THE ORDER DATED 2.9.2022<br/>IN WPC 18595/22</b>            |
| <b>ANNEXURE 8</b>  | <b>TRUE COPY OF THE ORDER DATED 16.9.2022<br/>IN WPC 18595/22</b>           |
| <b>ANNEXURE 9</b>  | <b>TRUE COPY OF THE ORDER DATED 23.9.2022<br/>IN WPC 18595/2022</b>         |
| <b>ANNEXURE 10</b> | <b>TRUE COPY OF THE INTERIM ORDER DATED<br/>6.10.2022</b>                   |
| <b>ANNEXURE 11</b> | <b>TRUE COPY OF THE ORDER DATED<br/>28.10.2022</b>                          |
| <b>ANNEXURE 12</b> | <b>TRUE COPY OF THE ORDER DATED 13.1.2023</b>                               |
| <b>ANNEXURE 13</b> | <b>TRUE COPY OF ORDER DATED 10.03.2023 BY<br/>KUHS</b>                      |