



2025:KER:2201

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

MONDAY, THE 13TH DAY OF JANUARY 2025 / 23RD POUSHA, 1946

WP(C) NO. 35572 OF 2024

PETITIONERS:

- 1 MUHAMMED FAZIL V
 AGED 26 YEARS
 S/O USMAN V, VELLACHAL HOUSE,
 THONDERNAD P.O., WAYANAD, PIN - 670731
- 2 ADWAITH C.S
 AGED 24 YEARS
 S/O R SREEKUMARAN NAIR, KOMALA VILASAM,
 KALLAYAM P.O, THIRUVANANTHAPURAM, PIN - 695043
- 3 ALEN ABRAHAM VARUGHESE
 AGED 24 YEARS
 S/O ABRAHAM VARUGHESE, MARUKUMMOOTTIL HOUSE,
 CHETHIPUZHA, KOTTAYAM, PIN - 686106
- 4 MUHAMMED AJAS A
 AGED 26 YEARS
 S/O ABDUL VAHAB M, KAVUVILAVEEDU,
 MANICKAL, VENJARAMOODU P.O,
 THIRUVANANTHAPURAM, PIN - 695607
- 5 ABIN DILEEP
 AGED 25 YEARS
 S/O DILEEP V, PARAVILAYIL, KAITHAKKAL,
 ANAYADI P.O., PATHANAMTHITTA, PIN - 690561
- 6 SWETHA R NATH
 AGED 25 YEARS
 D/O P SOBHANA, PARIYARATH HOUSE,
 VAYAPPARAPPADI ,MANJERI P.O.,
 MALAPPURAM, PIN - 676121



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- 7 **AZIM RAFAT M**
AGED 25 YEARS
S/O ABU. M, UMMAT HOUSE, MAMPOYIL,
MUKKAM, MUKKAM P.O., KOZHIKODE, PIN - 673602
- 8 **MUHAMMED ASLAM PS**
AGED 26 YEARS
S/O SHANAVAS KHAN PH, PARACKALHOUSE,
OLD KARAKKAMANDAPAM, NEMOM, P.O.,
THIRUVANANTHAPURAM, PIN - 695020
- 9 **IRFAN M BASHEER**
AGED 24 YEARS
S/O MOHAMMED BASHEER A,
MAHEEN MANDIRAM, ALUMMOODU, NEYYATTINKARA P.O.,
THIRUVANANTHAPURAM, PIN - 695121
- 10 **SANITHA N**
AGED 25 YEARS
D/O DR.SNAZEEB, MAVINNAZHAKAM, NEERAVIL,
PERINAD P.O., KOLLAM, PIN - 691601
- 11 **AISWARYA J NAMBIAR**
AGED 24 YEARS
D/O JAYACHANDRAN A.N, CHOLAYIL HOUSE,
VIMALANAGARP.O., AMBALAKOLLY,
MANANTHAVADY, WAYANAD, PIN - 670645
- 12 **MAYA JAYARAJ**
AGED 24 YEARS
D/O JAYARAJ CB, MAYAMANDIRAM, HOUSE NO 26/254,
MANJUMMEL P.O., ERNAKULAM, PIN - 683501
- 13 **DEVIKA S**
AGED 24 YEARS
D/O SASIDHARAN T, THOTTATHILHOUSE,
ERAMANGALAM P.O., VIA BALUSSERY,
KOZHIKODE, PIN - 673612



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- 14 CHITHRA K
AGED 24 YEARS
D/O PUSHPARAJAN K, KARIYADATH HOUSE,
PAYYANAKKAL, KALLAI P.O., CALICUT, PIN - 673003
- 15 APARNA P
AGED 24 YEARS
D/O SASIDHARAN P, SREENANDANAM, KATTILPARAMBA,
MALAPARAMBA P.O., KOZHIKODE, PIN - 673009
- 16 GADHA GITHESH
AGED 24 YEARS
D/O GITHESH J BABU, GADHA - GOKULAM,
NAGAMPADAM, KOTTAYAM, PIN - 686001
- 17 HIBA SHARIN
AGED 25 YEARS
D/O ABDUL JABBAR, BARAKATHHOUSE, PADIKALAVAYAL,
THALAYAD P.O., KOZHIKODE, PIN - 673574
- 18 THAMANNA IQBAL
AGED 24 YEARS
D/O MOHAMMED IQBAL K.P, AL-NOOR',
CHIRAPPURAM, NILESHWAR, KASARAGOD, PIN - 671314
- 19 FASNA C K
AGED 25 YEARS
D/O ABDUL GAFOOR MAYAN, AL FALAH,
MOONAMPEEDIKA, NIRMALAGIRI P.O.,
KUTHUPARAMB, KANNUR, PIN - 670101
- 20 A. DEVIKA NAIR
AGED 24 YEARS
D/O ASHOK GOPAN, SYAMANTHAKAM,
CHEMMARATHUMUKKU, NAGARROOR P.O.,
THIRUVANANTHAPURAM, PIN - 695601
- 21 ANJANA J, AGED 24 YEARS
D/O K JAGADEESH, AYICKATTUTHEKKETHIL (H),
MADATHUMBHAGOM NORTH P.O., PURAMATTOM,
PATHANAMTHITTA, PIN - 689543



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- 22 HINA RAHMAN K E
 AGED 25 YEARS
 D/O ABDU RAHMAN K E, ELASSERY HOUSE, PERUMANNA,
 PANTHEERANKAVE P.O., KOZHIKODE, PIN - 673019
- 23 EMAN AMINA SALEEM
 AGED 24 YEARS
 D/O SALEEM KANIYAN KANDIYILKOPPRAKALAMULLATHIL
 HOUSE, KALLACHI PO, VADAKARA,
 KOZHIKODE, PIN - 673506
- 24 B SREENANDANA
 AGED 25 YEARS
 D/O SURESH P V, JAITHRAMHOUSE,
 AYANCHERI P.O., VADAKARA,
 KOZHIKODE, PIN - 673541
- 25 MUHSINA THAYYULLATHIL
 AGED 25 YEARS
 D/O MUHAMMAD, THAYYULLATHIL HOUSE,
 PARAKKADAVU P.O., NADAPURAM,
 KOZHIKODE, PIN - 673509
- 26 KAVYA C
 AGED 24 YEARS
 D/O SREEDHARAN C, SREELAYAM,
 MANGAD, KALLIASERY P.O, KANNUR, PIN - 670562
- 27 MUBEENA PM
 AGED 26 YEARS
 D/O MUSTHAFA PA, PALATHINGAL HOUSE,
 MULLURKKARA P.O., VALAVU,
 THRISSUR, PIN - 680583
- 28 SHAZIN MOHAMMAD ALI
 AGED 24 YEARS
 S/O MOHAMMAD ALI, A M KADAVATH,
 THAYALANGADY, KASARAGOD, PIN - 671121



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- 29 **SIDHARTH DILEEP**
AGED 23 YEARS
S/O DILEEP DAMODARAN, 6C SOUBHAGYA APARTMENTS
MAVOOR ROAD, PUTHIYARA P.O, PUTHIYARA S.O,
THIRUTHIYAD, KOZHIKODE, PIN - 673004
- 30 **SHILPA SHIBY**
AGED 24 YEARS
D/O SHIBY M J, MANCHERIL, THARUVANA P.O.,
CHERUKARA, WAYANAD, PIN - 670645
- 31 **SHADHIRA A K**
AGED 25 YEARS
D/O KUNHIKOYA A K, IRSHAD MAHAL, ARAMKUNIHOUSE,
P.O., KOLATHARA, KOZHIKODE, PIN - 673655
- 32 **BISNA S**
AGED 24 YEARS
D/O SUNILKUMAR E G, AYILLYAMENGANDIYOOR,
CHULLOOR P.O., VIA NIT, POOLACODE,
KOZHIKODE, PIN - 673601
- 33 **GAUTAMI PRADEEP NAMBIAR**
AGED 24 YEARS
D/O P.K. PRADEEP,
LAKSHMIMADHAVAPURAM, ATHIRAKAM,
MUNDAYAD P.O., ELAYAVOOR,
VARAM, KANNUR, PIN - 670594
- 34 **ASWATHI P R**
AGED 24 YEARS
D/O P RAMACHANDRAN, NARAYANI NILAYALAM,
PANNIYOOKKIL(H), PALAKUTTY, KODUVALLY.P.O.,
KOZHIKODE, PIN - 673572
- 35 **G PARVATHYNADH**
AGED 24 YEARS
D/O K P GOPINATHAN, KOCHUPARAMBIL HOUSE,
NEENDOOR P.O, KOTTAYAM, PIN - 686601



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- 36 GAUTHAMI S
AGED 24 YEARS
D/O K T SABU, KALAPPURATHOTTIYIL,
MULANTHURUTHY P.O., ERNAKULAM, PIN - 682314
- 37 GOURI B R
AGED 24 YEARS
D/O BINDU P S, RAJEEV BHAVAN, PADINJATTINKARA,
KOTTARAKKARA P.O., KOLLAM, PIN - 691506
- 38 ANANTHADEV S
AGED 24 YEARS
S/O SABU C J, PLAVILA, MELVETTOOR P.O.,
VARKALA, THIRUVANANTHAPURAM, PIN - 695312
- 39 ABHISHEK MP
AGED 25 YEARS
S/O K. MOHANAN NAIR, SARANATH,
KURUPS LANE, SASTHAMANGALAM P.O.,
THIRUVANANTHAPURAM, PIN - 695010
- 30 MANJU MOHAN
AGED 25 YEARS
D/O MOHANAN V, KOUSTHUBHAM(H),
MANASSERY P.O., MUKKAM, KOZHIKODE, PIN - 673602
- 41 SAURABH M SUDHEESH
AGED 24 YEARS
S/O SUDHEESH M N. MANIYALIL HOUSE,
MANNAM ROAD, KUNNUMPURAM,
EDAPPALLY NORTH P.O., ERNAKULAM, PIN - 682024
- 42 D ANJALI
AGED 24 YEARS
D/O DILI BALAKRISHNAN, ANUGRAH
NEDUNGOLAM P. O., KOLLAM, PIN - 691334
- 43 MALAVIKA K
AGED 24 YEARS
D/O RAJEEVAN M, RAJEEV HOUSE, PUDUKAI P.O.,
NILESHWAR, KASARAGOD, PIN - 671314



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- 44 **MUHAMMED SHAMIL K M**
AGED 26 YEARS
S/O ASHRAF BABU, KOZHISSERY HOUSE,
PARAMMEL, PERUMANNAP.O, KOZHIKODE, PIN - 673019
- 45 **AISHWARYA SUGUNAN**
AGED 24 YEARS
D/O K C SUGUNAN, AISHWARYA, KAVINMOOLA
MAMBA.P.O, KANNUR, PIN - 670611
- 46 **NEERAJA KRISHNAN**
AGED 24 YEARS
D/O M.N. UNNIKRISHNAN NAIR, NIKUNJAM,
KUDAMALLOOR P.O., KOTTAYAM, PIN - 686017
- 47 **ASWANTH V S**
AGED 25 YEARS
S/O K VIJAYAKUMAR,
GRAMASREESASTHAMKAVU, VITHURA.P.O,
THIRUVANANTHAPURAM, PIN - 695551
- 48 **PRATHEEKSHA PRADEEP**
AGED 25 YEARS
D/O PRADEEP KUMAR M.K, MEMANA HOUSE,
THIMIRI P.O, ELAYAD, KANNUR, PIN - 670581
- 49 **PRAJINA RAJAN**
AGED 25 YEARS
D/O K.RAJAN, KOLLIYIL HOUSE,
VELLAMUNDA P.O, WAYANAD, PIN - 670731
- 50 **ANNIE J RAJAN**
AGED 25 YEARS
D/O RAJAN, SHERLY COTTAGE, R.C STREET,
BALARAMAPURAM, TRIVANDRUM, PIN - 695501



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**51 NEHA HARIS
AGED 25 YEARS
D/O MOHAMMED HARRISS,
RESIDING AT 30/803 CRESCENT, KOVOOR,
MEDICAL COLLEGE P.O, KOZHIKODE, PIN - 673008**

**BY ADVS.
THOMAS ABRAHAM
MERCIAMMA MATHEW
ASWIN.P.JOHN
R.ANANTHAPADMANABAN
PAUL BABY
SWATHY A.P.
THARA ELIZABETH THOMAS**

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM, KERALA, PIN - 695001**
- 2 NATIONAL MEDICAL COMMISSION
POCKET- 14, SECTOR - 8,
DWARKA PHASE -1, NEW DELHI, DELHI,
REPRESENTED BY ITS CHAIRPERSON, PIN - 110077**
- 3 KERALA UNIVERSITY OF HEALTH SCIENCES
MEDICAL COLLEGE P.O, THRISSUR, KERALA,
REPRESENTED BY ITS REGISTRAR, PIN - 680596**
- 4 DIRECTOR OF MEDICAL EDUCATION
DIRECTORATE OF MEDICAL EDUCATION, MEDICAL
COLLEGE P.O, THIRUVANANTHAPURAM, PIN - 695011**
- 5 PRINCIPAL
GOVERNMENT MEDICAL COLLEGE,
PARIYARAM, KANNUR, KERALA, PIN - 670503**



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**BY ADVS.
BINNY THOMAS
P.SREEKUMAR (SR.)(K/410/1994)
K.S. PRENJITH KUMAR, STANDING COUNSLE
SRI. TONY AUGUSTINE, GOVERNMENT PLEADER**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13.01.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**



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JUDGMENT

Dated this the 13th day of January, 2025

The petitioners belong to the 2018 MBBS batch of Government Medical College, Kannur. They have completed their course as well as the Compulsory Rotating Internship as required under the Regulations governing their course.

2. Regulation 8(2)(d) of the National Medical Commission Compulsory Rotating Medical Internship Regulations, 2021 stipulates that the Dean / Principal shall issue the cumulative certificate of satisfactory completion of training at the end of internship. The respondent authorities are also required to issue / release the Mark Sheets of MBBS 1st year, 2nd year and 3rd year (Part 1 and Part 2), Original SSLC and Class 12 Certificates, Transfer Certificate and Conduct Certificate of the petitioners. Though the respondent



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authorities do not possess any statutory power to do so, they continue to withhold the aforementioned documents, without any justification. Repeated requests made by the petitioners before the respondent authorities are left unheeded. Hence, the petitioners have approached this Court.

3. I have heard the learned counsel for the petitioners, the learned Government Pleader representing respondents 1, 4 and 5 and respective learned Standing Counsel representing respondents 2 and 3.

4. In the writ petition, the petitioners seek to command respondents 1, 3, 4 and 5 to take necessary steps to release the certificates / essential documents of the petitioners including the Compulsory Rotatory Residential Internship Certificate, Mark Sheets of MBBS, original SSLC and Class 12 Certificate, Transfer Certificate, Conduct Certificate, etc.



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5. It is evident from the arguments that the fee payable by the petitioners is a subject matter of dispute and the said issue is pending consideration before the Hon'ble Apex Court. In SLP No.9659/2020, the Hon'ble Apex Court has passed an interim order by which the College was directed to return Compulsory Rotatory Residential Internship Certificate, Mark Sheets of MBBS, Transfer Certificate, original SSLC Certificate, etc. on conditions. As the legal issue faced by the petitioners is the same, I am of the opinion that this writ petition can also be disposed of with a conditional order.

Accordingly, the writ petition is disposed of directing the 5th respondent to release the Certificates of the petitioners after obtaining an undertaking from the petitioners to the effect that if the claim of the petitioners is not upheld in the petitions pending before the Hon'ble Apex Court, they will refund the fees within the period prescribed by the Court. In the



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undertaking, the petitioners shall state that in the event they fail to deposit the amount as directed by the Court, their Degrees will be liable to be confiscated. Certificates shall be returned to the petitioners within a period of one month.

Sd/-
N.NAGARESH
JUDGE

spk



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APPENDIX OF WP(C) 35572/2024

PETITIONER EXHIBITS

**EXHIBIT P1 THE TRUE COPY OF THE JUDGMENT DATED
27/02/2024 OF THIS HON'BLE COURT IN
W.P.(C) NO.4747 OF 2024**

**EXHIBIT P2 THE TRUE COPY OF THE REPRESENTATION
DATED 23/9/2024 SUBMITTED BY THE
PETITIONERS BEFORE THE RESPONDENT
AUTHORITIES**