

Abin Josewin vs Kerala University of Health Sciences

Abin Josewin vs Kerala University of Health Sciences

SooperKanoon Citation : sooperkanoon.com/1371838

Court : Kerala

Decided On : Aug-01-2023

Judge : Honourable Mr.Justice Basant Balaji

Appeal No. : WP(C)/21693/2023

Appellant : Abin Josewin

Respondent : Kerala University of Health Sciences

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE BASANT BALAJI
TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945
WP(C) NO. 22522 OF 2023 PETITIONER/S: SUBODH KRISHNAN M.S
AGED 24 YEARS S/O. MADHU K, THREESTAR HOUSE,
MANGATTUKONAN] KATTAYIKONAM PO ., PIN - 695584 BY ADVS.
SHASHANK DEVAN K.M.ANEESH ADARSH KUMAR
RESPONDENT/S:

1 KERALA UNIVERSITY OF HEALTH SCIENCES REPRESENTED BY
ITS REGISTRAR, MEDICAL COLLEGE PO, THRISSUR , KERALA, PIN
- 680596 2 THE VICE CHANCELLOR, PO, THRISSUR , KERALA, PIN -

680596 3 THE REGISTRAR PO, THRISSUR , KERALA, PIN - 680596 4
THE PRINCIPAL INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES,
INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES,
KOTHAMANGALAM, NELLIKUZHI, KERALA, PIN - 686691 5 THE
CONTROLLER OF EXAMINATIONS KERALA UNIVERSITY OF
HEALTH SCIENCES, THRISSUR ., PIN - BY ADV P.SREEKUMAR

OTHER PRESENT: P SREEKUMAR SC THIS WRIT PETITION (CIVIL)
HAVING COME UP FOR ADMISSION ON 01.08.2023, ALONG WITH
WP(C).20519/2023, 20995/2023 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 BASANT BALAJI
TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945
WP(C) NO. 20519 OF 2023 PETITIONER/S: 1 MOHAMMED ALI ASIF
AGED 23 YEARS S/O. ASIF TM KOHINOOR (H), I.C.O JUNCTION,
PERUNA P.O., CHANGANACHERRY, KOTTAYAM, PIN - 686102 2
ZALEEKHA MANZOOR AGED 24 YEARS D/O. V.P. MUHAMMED
MANZOOR 'BAITHUL NOOR', PUTHIYAPALAM, KOZHIKODE, PIN -
673004 BY ADVS. SHASHANK DEVAN K.M.ANEESH ADARSH
KUMAR DILEEP CHANDRAN RESPONDENT/S:

1 KERALA UNIVERSITY OF HEALTH SCIENCES REPRESENTED BY
ITS REGISTRAR, MEDICAL COLLEGE PO, THRISSUR , KERALA, PIN
- 680596 2 THE VICE CHANCELLOR PO, THRISSUR,KERALA, PIN -
680596 3 THE REGISTRAR PO, THRISSUR , KERALA, PIN - 680596 4
THE PRINCIPAL INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES,
INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES,
KOTHAMANGALAM, NELLIKUZHI, KERALA, PIN - 686691 5 THE
CONTROLLER OF EXAMINATIONS KERALA UNIVERSITY OF
HEALTH SCIENCES, THRISSUR, PIN - BY ADV P.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.08.2023, ALONG WITH WP(C).22522/2023 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 BASANT BALAJI
TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945
WP(C) NO. 20995 OF 2023 PETITIONER/S: 1 SAFA FAISAL AGED 21
YEARS D/O. FAISAL KHAN M. HABEEB, DARUL FATHAH, LAJNATH
WARD, ALAPPUZHA,, PIN - 688001 2 MANASA B AGED 21 YEARS
D/O. BIJU B., MUKALUVILA KIZHAKKATHIL, IRUMPANANGADU PO,
KOTTARAKARA, PIN - 691505 BY ADVS. SHASHANK DEVAN
K.M.ANEESH K.SANTHOSH KUMAR (KALIYANAM) ADARSH KUMAR
DILEEP CHANDRAN RESPONDENT/S:

1 KERALA UNIVERSITY OF HEALTH SCIENCES REPRESENTED BY
ITS REGISTRAR, MEDICAL COLLEGE PO, THRISSUR, KERALA, PIN -
680596 2 THE VICE CHANCELLOR PO, THRISSUR , KERALA, PIN -
680596 3 THE REGISTRAR PO, THRISSUR, KERALA, PIN - 680596 4
THE PRINCIPAL, INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES
INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES,
KOTHAMANGALAM, NELLIKUZHI, KERALA, PIN - 686691 5 THE
CONTROLLER OF EXAMINATIONS KERALA UNIVERSITY OF
HEALTH SCIENCES, THRISSUR,, PIN - BY ADV P.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.08.2023, ALONG WITH WP(C).22522/2023 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 BASANT BALAJI
TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945
WP(C) NO. 21152 OF 2023 PETITIONER/S: NAGMA SHAIKH AGED 23
YEARS D/O. JAMEEL AHAMMED, ALLIPILLY HOUSE, ELAMAKKARA,
ERNAKULAM, PIN - 682026 BY ADVS. SHASHANK DEVAN DILEEP
CHANDRAN K.M.ANEESH K.SANTHOSH KUMAR (KALIYANAM)
ADARSH KUMAR RESPONDENT/S:

1 KERALA UNIVERSITY OF HEALTH SCIENCES REPRESENTED BY
ITS REGISTRAR, MEDICAL COLLEGE PO, THRISSUR, KERALA, PIN -
680596 2 THE VICE CHANCELLOR PO, THRISSUR., PIN - 680596 3
THE REGISTRAR PO, THRISSUR., PIN - 680596 4 THE PRINCIPAL
INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES, INDIRA GANDHI
INSTITUTE OF DENTAL SCIENCES, KOTHAMANGALAM,
NELLIKUZHI, KERALA, PIN - 686691 5 THE CONTROLLER OF
EXAMINATIONS KERALA UNIVERSITY OF HEALTH SCIENCES,
THRISSUR., PIN - BY ADV P.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01.08.2023, ALONG WITH WP(C).22522/2023 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 BASANT BALAJI
TUESDAY, THE 1ST DAY OF AUGUST 2023 / 10TH SRAVANA, 1945
WP(C) NO. 21693 OF 2023 PETITIONER/S: 1 ABIN JOSEWIN AGED
22 YEARS S/O. JOSEWIN, 'DREAM DALE', PRA-D21, POWDIKONAM,
THIRUVANANTHAPURAM,, PIN - 695588 2 HITHARAJ AGED 22
YEARS D/O. RAJAN A.A., ANDANKUNNATH HOUSE, KOTTAPPURAM
PO, MANGAD, THRISSUR,, PIN - 680584 3 MIMITHA P.T. AGED 24
YEARS D/O. THANKAPPAN P.K., 'PEZHUNGA HOUSE'
KARAYAMVATTAM PO, THRISSUR,, PIN - 680567 BY

ADVS.SHASHANK DEVAN K.M.ANEESH ADARSH KUMAR DILEEP
CHANDRAN RESPONDENT/S:

1 KERALA UNIVERSITY OF HEALTH SCIENCES REPRESENTED BY
ITS REGISTRAR, MEDICAL COLLEGE PO, THRISSUR , KERALA., PIN
- 680596 2 THE VICE CHANCELLOR KERALA UNIVERSITY OF
HEALTH SCIENCES, MEDICAL COLLEGE PO, THRISSUR , KERALA,
PIN - 680596 3 THE REGISTRAR KERALA UNIVERSITY OF HEALTH
SCIENCES, MEDICAL COLLEGE PO, THRISSUR , KERALA, PIN -
680596 4 THE PRINCIPAL INDIRA GANDHI INSTITUTE OF DENTAL
SCIENCES, INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES,
KOTHAMANGALAM, NELLIKUZHI, KERALA, PIN - 686691 5 THE
CONTROLLER OF EXAMINATIONS , KERALA UNIVERSITY OF
HEALTH SCIENCES, THRISSUR,, PIN - BY ADV P.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 01.08.2023, ALONG WITH WP(C).22522/2023 AND CONNECTED
CASES, THE COURT ON THE SAME DAY DELIVERED TE
FOLLOWING:

J U D G M E N T

(Dated this the 1st day of August,2023) The petitioners are all 2nd year BDS Degree students. They have been regularly attending theory and practical classes. The petitioners have passed the theory examination papers and connected practical examinations except for one paper. The 1st and 2nd petitioners failed in General Human Physiology and Biochemistry, and the 3rd respondent failed in General Anatomy including Embryology and Histology.

2. This Court has permitted the petitioners

to provisionally attend the 2 year classes, taking into consideration the similar orders passed by this Court. The counsel for the petitioner handed over the appeals filed by the petitioners before the Students Grievance Cell, pointing out the grievances.

3. The counsel for the respondent University submitted that if the appeals filed are pending and in order, the same will be considered and appropriate orders would be passed.

4. The Counsel for the petitioners also

seeks liberty to file additional representations, in continuation with the appeals and prays that while considering the appeals, they may also be heard in person before final orders are passed.

5. Taking note of the fact that appeals are

pending before the Students Grievance Cell, the petitioners are given the liberty to file additional representations pointing out all the grievances before the authority within a period of one week from today, and if such representation is filed, the Students Grievance Cell shall take into consideration the original appeal as well as the representations subsequently filed and after hearing the parties or their representatives final order shall be passed in the next Appeal Committee meeting. It is made clear that any decision taken by the Appeal Committee shall be communicated to the petitioners. The interim order passed by this Court shall continue till final orders are passed in the appeal. Sd/- BASANT BALAJI, JUDGE
SM APPENDIX OF WP(C) 20519/2023 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE EXAMINATION

RESULTS(PROVISIONAL) DATED 13-06-2023 ISSUED TO THE 1ST PETITIONER PERTAINING TO THE FIRST YEAR BDS DEGREE SUPPLEMENTARY EXAMINATION (2019 ADMISSION), APRIL 2023 Exhibit P2 A TRUE COPY OF THE EXAMINATION RESULTS (PROVISIONAL) DATED 13-06-2023 ISSUED TO THE 2ND PETITIONER PERTAINING TO THE FIRST YEAR BDS DEGREE REGULAR EXAMINATION (2021 ADMISSION), APRIL 2023 Exhibit P3 A TRUE COPY OF THE RECEIPT DATED 16-06-2023 2023 ISSUED BY THE INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES TO THE 1ST PETITIONER WITH RESPECT TO SEEKING FOR COPIES OF ANSWER BOOK AND SCORE SHEET Exhibit P4 A TRUE COPY OF THE RECEIPT DATED 20-06-2023 ISSUED BY THE INDIRA GANDHI INSTITUTE OF DENTAL

SCIENCES TO THE 2ND PETITIONER WITH RESPECT TO SEEKING FOR COPIES OF ANSWER BOOK AND SCORE SHEET

Exhibit P5 A TRUE COPY OF THE REPRESENTATIONS DATED NIL AND 20-06-2023 RESPECTIVELY PREFERRED BY THE 1ST PETITIONER BEFORE THE UNIVERSITY Exhibit P6 A TRUE COPY OF THE REPRESENTATIONS DATED NIL AND 20-06-2023 RESPECTIVELY PREFERRED BY THE 1ST PETITIONER BEFORE THE UNIVERSITY Exhibit P7 A TRUE COPY OF THE REPRESENTATIONS DATED NIL AND NIL RESPECTIVELY PREFERRED BY THE 2ND PETITIONER BEFORE THE UNIVERSITY Exhibit P8 A TRUE COPY OF THE REPRESENTATIONS DATED NIL AND NIL RESPECTIVELY PREFERRED BY THE 2ND PETITIONER BEFORE THE UNIVERSITY Exhibit P9 A TRUE COPY OF THE INTERIM ORDER DATED 21-03- 2023 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 9777/2023 RESPONDENTS' EXHIBITS:NIL TRUE COPY P.A.TO JUDGE APPENDIX OF WP(C) 20995/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE EXAMINATION

RESULTS(PROVISIONAL) DATED 13-06-2023 ISSUED TO THE 1" PETITIONER PERTAINING TO THE FIRST YEAR BDS DEGREE REGULAR EXAMINATIONS (2021 ADMISSION), APRIL 2023 Exhibit P2 TRUE COPY OF THE EXAMINATION RESULTS(PROVISIONAL) DATED 13-06-2023 ISSUED TO THE 2ND PETITIONER PERTAINING TO THE FIRST YEAR BDS DEGREE SUPPLEMENTARY EXAMINATIONS (2020 ADMISSION), APRIL 2023 Exhibit P3 TRUE COPY OF THE RECEIPT DATED 16-06-2023 ISSUED BY THE INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES TO THE 1ST PETITIONER WITH RESPECT TO SEEKING FOR COPIES OF ANSWER BOOK AND SCORE SHEET Exhibit P4 TRUE COPY OF THE RECEIPT DATED 17-06-2023 ISSUED BY THE INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES TO THE 2-D PETITIONER WITH RESPECT TO SEEKING FOR COPIES OF ANSWER BOOK AND SCORE SHEET

Exhibit P5 TRUE COPY OF THE REPRESENTATION DATED 20-06- 2023 PREFERRED BY THE 1ST PETITIONER BEFORE THE UNIVERSITY Exhibit P6 TRUE COPY OF THE REPRESENTATION DATED 20-06- 2023 PREFERRED

BY THE 2ND PETITIONER BEFORE THE UNIVERSITY Exhibit P7 TRUE COPY OF THE INTERIM ORDER DATED 21-03- 2023 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 9777/2023 RESPONDENTS' EXHIBITS:NIL TRUE COPY P.A.TO JUDGE APPENDIX OF WP(C) 21152/2023 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF THE EXAMINATION

RESULTS(PROVISIONAL) DATED 13-06-2023 ISSUED TO THE 2ND PETITIONER PERTAINING TO THE FIRST YEAR BDS DEGREE SUPPLEMENTARY EXAMINATION (2019 ADMISSION), APRIL 2023

Exhibit P2 A TRUE COPY OF THE REPRESENTATION DATED NIL PREFERRED BY THE PETITIONER BEFORE THE UNIVERSITY Exhibit P3 A TRUE COPY OF THE INTERIM ORDER DATED 21-03- 2023 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 9777/2023 Exhibit P4 A TRUE COPY OF THE INTERIM ORDER DATED 23-06- 2023 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 20519/2023 RESPONDENTS' EXHIBITS:NIL TRUE COPY P.A.TO JUDGE APPENDIX OF WP(C) 21693/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE EXAMINATION

RESULTS(PROVISIONAL) DATED 13-06- 2023 ISSUED TO THE 1ST PETITIONER PERTAINING TO THE FIRST YEAR BDS DEGREE SUPPLEMENTARY EXAMINATIONS (2019 ADMISSION), APRIL 2023 Exhibit P2 TRUE COPY OF THE EXAMINATION RESULTS(PROVISIONAL) DATED 13-06-2023 ISSUED TO THE 2ND PETITIONER PERTAINING TO THE FIRST YEAR BDS DEGREE SUPPLEMENTARY EXAMINATIONS (2020 ADMISSION) APRIL 2023 Exhibit P3 TRUE COPY OF THE EXAMINATION RESULTS(PROVISIONAL) DATED 13-6-2023 ISSUED TO THE 3RD PETITIONER PERTAINING TO THE FIRST YEAR BDS DEGREE SUPPLEMENTARY EXAMINATIONS (2018 ADMISSION), APRIL 2023

Exhibit P4 TRUE COPY OF THE RECEIPT DATED 15-06-2023 ISSUED BY THE INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES TO THE 1ST PETITIONER WITH RESPECT TO ANSWER SHEET FEE Exhibit P5 TRUE COPY OF THE RECEIPT DATED 15-06-2023 ISSUED BY THE INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES TO THE LST PETITIONER WITH

RESPECT TO SCORE SHEET FEE Exhibit P6 TRUE COPY OF THE RECEIPT DATED 19-06-2023 ISSUED BY THE INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES TO THE 2ND PETITIONER WITH RESPECT TO SCORE SHEET FEE AND ANSWER SHEET FEE Exhibit P7 TRUE COPY OF THE RECEIPT DATED 20-06-2023 ISSUED BY THE INDIRA GANDHI INSTITUTE OF DENTAL SCIENCES TO THE 3RD PETITIONER WITH RESPECT TO SCORE SHEET FEE AND ANSWER SHEET FEE

Exhibit P8 TRUE COPY OF THE REPRESENTATION DATED 20-06- 2023 PREFERRED BY THE 1ST PETITIONER BEFORE THE UNIVERSITY Exhibit P9 TRUE COPY OF THE REPRESENTATION DATED NIL PREFERRED BY THE 2ND PETITIONER BEFORE THE UNIVERSITY Exhibit P10 TRUE COPY OF THE INTERIM ORDER DATED 21-03-2023 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 9777RE023 Exhibit P11 TRUE COPY OF THE INTERIM ORDER DATED 23-06-2023 IN WP(C) NO. 20519/2023 PASSED BY THIS HON'BLE COURT RESPONDENTS' EXHIBITS:NIL TRUE COPY P.A.TO JUDGE APPENDIX OF WP(C) 22522/2023 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE EXAMINATION

RESULTS(PROVISIONAL) DATED 13-06-2023 ISSUED TO THE PETITIONER PERTAINING TO THE FIRST YEAR BDS DEGREE SUPPLEMENTARY EXAMINATION (2018 ADMISSION), APRIL 2023

Exhibit P2 TRUE COPY OF THE EMAIL COMMUNICATION DATED NIL PREFERRED BY THE PETITIONER TO THE EMAIL ID:- DENTALEXAMS@LOUHS.AC.IN Exhibit P3 TRUE COPY OF THE EMAIL COMMUNICATION DATED NIL PREFERRED BY THE PETITIONER TO THE EMAIL ID:- DEAN.STUDENTAFFAIRS@KUHS.AC.IN Exhibit P4 TRUE COPY OF THE INTERIM ORDER DATED 21-03- 2023 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 9777 / 2023 Exhibit P5 TRUE COPY OF THE INTERIM ORDER DATED 03-07- 2023 PASSED BY THIS HON'BLE COURT IN WP(C) NO. 21152 /2023 RESPONDENTS' EXHIBITS:NIL TRUE COPY P.A.TO JUDGE