

Modesty George, vs the Kerala University of Health Sciences,

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Court : Kerala

Decided On : Jan-18-2022

Judge : Honourable Mr.Justice V.G.Arun

Appeal No. : WP(C)/1619/2022

Appellant : Modesty George,

Respondent : The Kerala University of Health Sciences,

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE V.G.ARUN TUESDAY, THE 18TH DAY OF JANUARY 2022 / 28TH POUSHA, 1943 WP(C) NO. 1619 OF 2022 PETITIONER/S: MODESTY GEORGE, AGED 25 YEARS KOTTAYAMKUNNEL, ANANDASHRAM P.O., MAVUNKAL, KASARAGOD-671 531. BY ADVS. K.P.SATHEESAN (SR.) GOKUL D. SUDHAKARAN SABU PULLAN S.K.ADHITHYAN K.SUDHINKUMAR P.MOHANDAS (ERNAKULAM) RESPONDENT/S: 1 THE KERALA UNIVERSITY OF HEALTH SCIENCES, REPRESENTED BY ITS REGISTRAR, MULANKUNNATHUKAVU, THRISSUR-680 596. 2 THE CONTROLLER OF EXAMINATIONS, KERALA UNIVERSITY OF HEALTH SCIENCE, MULANKUNNATHUKAVU, THRISSUR-680 596. 3

THE PRINCIPAL, P.N.PANICKER SOUHRADA AYURVEDA MEDICAL COLLEGE, KASARAGOD-671 531. OTHER PRESENT: SC FOR KUHAS ADV.P.SREEKUMAR THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18.01.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 18th day of January, 2022

The petitioner is pursuing her final year BAMS (Bachelor of Ayurvedic Medicine and Surgery) under the 3rd respondent college. The petitioner failed in two subjects in the 3rd year examinations. As per the regulations of the 1st respondent, a candidate can avail four chances for clearing all the subjects of each year. During the last year, due to Covid-19 pandemic examinations were not conducted and the 3rd year results were published only on 14.1.2022. Now the final year examinations are scheduled to be held from 25.1.2022 onwards. Since the petitioner has not cleared all subjects of the 3rd year, her application will not be accepted and she will not be able to appeal for the final year exams. The writ petition is filed seeking a direction to the 2nd respondent to allow the petitioner for the final year examinations of the BAMS course without insisting for clearance of all the subjects of 3rd year. 2. It is pointed out that identically placed students had approached this Court and those writ petitions were disposed of by Ext.P3 judgment. 3. Having heard the learned counsel for the petitioner and the learned Standing Counsel for the 1st respondent University, I am inclined to dispose this writ petition with the same direction as in Ext.P3 judgment. In the result, the writ petition is disposed of as under:- a) The petitioners shall approach the Controller of Examinations, as expeditiously as possible, or they may prefer an email disclosing their details. The Controller of Examinations shall forthwith disclose the details of the subjects that the petitioners had failed to clear for the Final Professional Examination. On such disclosure, the petitioner may file their application before the authority concerned to

enable them to appear for the supplementary examination to be held from 25.1.2022 in respect of the failed papers. b) The above facility shall only be available to those students who have not completed double the duration of the course from the date of commencement of the course. c) The facility that is being granted is as a one time measure. d) The intimation made to the petitioners under no circumstances shall be deemed to be a declaration of the results. e) The final year results shall be published only after the petitioners clear all the previous examinations, i.e., the I, II and III Professional and the Final Professional.

Sd/- V.G ARUN JUDGE SJ APPENDIX OF WP(C) 1619/2022 PETITIONER EXHIBITS Exhibit P1 TRUE COPY OF THE RELEVANT PAGES OF THE REGULATION OF BAMS COURSE INCLUDED AS COURSE CODE NO.003 PUBLISHED BY THE 1ST RESPONDENT FOR THE ACADEMIC YEAR 2016-17. Exhibit P2 TRUE COPY OF THE ORDER DATED 07.05.2021 IN WPC NO.10502/2021. Exhibit P3 TRUE COPY OF THE JUDGMENT DATED 12.01.2022 IN WPC NO.197/2022.

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