

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

WEDNESDAY, THE 30TH DAY OF MARCH 2022 / 9TH CHAITHRA, 1944

WP(C) NO. 8668 OF 2022

PETITIONERS:

- 1 JEZZA ASHARAF, AGED 24 YEARS
D/O.MUHAMMED ASHARAF A.P.M.,
MBBS FINAL YEAR STUDENT,
ACADEMY OF MEDICAL SCIENCES, PARIYARAM,
KANNUR, PIN - 670 503
RESIDENT OF 'RAHATH MANZIL',
PARAPPANANGADI, MALAPPURAM, PIN - 676 319.
- 2 ARUNIMA E.K., AGED 23 YEARS
D/O.K.C.RAJAN, MBBS FINAL YEAR STUDENT,
ACADEMY OF MEDICAL SCIENCES, PARIYARAM,
KANNUR, PIN - 670 503 RESIDENT OF SABARMATHI,
KAYARALAM P.O., MAYYIL, KANNUR - 670 602.
- 3 NIKHIL BABY, AGED 24 YEARS
S/O.BABY T.J., MBBS FINAL YEAR STUDENT,
ACADEMY OF MEDICAL SCIENCES, PARIYARAM,
KANNUR, PIN - 670 503 RESIDENT OF
"THURUTHIPPALLI HOUSE", THOTTAPURA,
AKKATHETHARA P.O., PALAKKAD - 678 008.
- 4 MALAVIKA A.M., AGED 22 YEARS
D/O.A.K.MANOJ KUMAR, MBBS FINAL YEAR STUDENT,
ACADEMY OF MEDICAL SCIENCES, PARIYARAM,
KANNUR, PIN - 670 503 RESIDENT OF
ATTASERY HOUSE, PEARL VALLEY, HOUSE NO.10,
PARAVATTANI, THRISSUR - 680 005.
- 5 GREESHMA M., AGED 23 YEARS
D/O.MANIKANDAM S., MBBS FINAL YEAR STUDENT,
ACADEMY OF MEDICAL SCIENCES, PARIYARAM,
KANNUR, PIN - 670 503, RESIDENT OF 'GRRRESHMAM',
RIVER EAST RESIDENCE, H.NO.4, IRUMPANAM P.O.,
TRIPUNITHURA, ERNAKULAM - 682 309.
- 6 ARAVIND P., AGED 23 YEARS
S/O.PERMANANDAN M., MBBS FINAL YEAR STUDENT,
ACADEMY OF MEDICAL SCIENCES, PARIYARAM,
KANNUR, PIN - 670 503 RESIDENT OF 'NANDANAM',
VAZHANI ROAD, VADAKKANCHERY, THRISSUR - 680 582.

- 7 SUMAYYA SAMEER, AGED 23 YEARS
D/O.SAJAD SAMEER, MBBS FINAL YEAR STUDENT,
ACADEMY OF MEDICAL SCIENCES, PARIYARAM,
KANNUR, PIN - 670 503 RESIDENT OF
'DARIYA MANZIL', EZHUVATHIRUTHY,
NEAR ALP SCHOOL, PONNANI,
MALAPPURAM, PIN - 679 577.
- 8 RISMA ABUBEKAR, AGED 24 YEARS
D/O.ABUBAKER KOVOOR MALAYIL THAMPI,
MBBS FINAL YEAR STUDENT,
ACADEMY OF MEDICAL SCIENCES, PARIYARAM,
KANNUR, PIN - 670 503 RESIDENT OF 'TRAVENTCORE
WHITELAND APARTMENTS', VENNALA, KOCHI.
- 9 NAMITHA ROHAN, AGED 23 YEARS
D/O.DR.ROHAN, MBBS FINAL YEAR STUDENT,
ACADEMY OF MEDICAL SCIENCES, PARIYARAM,
KANNUR, PIN - 670 503 RESIDENT OF 'HAMSAM',
MISSION COMPOUND, ROBINSON ROAD,
PALAKKAD - 678 014.
- 10 KRISMA ANN PHILIP, AGED 23 YEARS
D/O.C.M.PHILIP, MBBS FINAL YEAR STUDENT,
ACADEMY OF MEDICAL SCIENCES, PARIYARAM,
KANNUR, PIN - 670 503 RESIDENT OF CHETHOMKARA
THADATHIL KRIPA BHAVAN,PAZHAVANGADI P.O.,
RANNI, PATHANAMTHITTA, PIN - 689 673.
- BY ADVS.
S.ABHILASH
K.SIJU
RENUKA VENU
T.S.SREEKUTTY
ANJANA KANNATH

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE (S) DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695 001.
- 2 ADMISSION AND FEE REGULATORY COMMITTEE FOR
PROFESSIONAL COLLEGE IN KERALA
TC 15/1553-4, PRASANTHI BUILDINGS,
MP APPAN ROAD, VAZHUTHAKKADU,

THIRUVANANTHAPURAM, PIN - 695 014.

- 3 THE GOVERNMENT MEDICAL COLLEGE
KANNUR REPRESENTED THROUGH ITS PRINCIPAL,
GOVERNMENT MEDICAL COLLEGE KANNUR, PARIYARAM,
KANNUR, KERALA - 670 503.
- 4 THE PRINCIPAL
GOVERNMENT MEDICAL COLLEGE KANNUR, PARIYARAM,
KANNUR, KERALA - 670 503.
- 5 THE ACCOUNTS OFFICER
GOVERNMENT MEDICAL COLLEGE KANNUR, PARIYARAM,
KANNUR, KERALA - 670 503.
- 6 KERALA UNIVERSITY OF HEALTH SCIENCES
MEDICAL COLLEGE P.O., THRISSUR, PIN - 680 596,
REPRESENTED BY ITS CONTROLLER OF EXAMINATIONS.

BY SHRI.P.SREEKUMAR, SC, KERALA UNIVERSITY OF
HEALTH SCIENCES

BY SRI BIJOY CHANDRAN, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 30.03.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

A.K.JAYASANKARAN NAMBIAR & MOHAMMED NIAS C.P., JJ

W.P.(C) No.8668 of 2022

Dated this the 30th day of March, 2022

J U D G M E N T

A.K.Jayasankaran Nambiar, J.

This writ petition was preferred by the students pursuing studies in the MBBS Course in the third respondent Medical College, who had obtained admission to the MBBS Course under the NRI quota. seeking some time for payment of the fees outstanding from them

2. When the writ petition came up for admission, taking note of the financial hardship projected by the petitioners, we directed that if each of the petitioners pay an amount of Rs.14 lakh towards the arrears of fees together with the applicable examination fee by 16.03.2022 then the petitioners would be permitted to continue their studies and appear in the ensuing examination for the academic year 2021-2022, if they were otherwise eligible.

3. We are now informed by the learned counsel for the petitioners that the amount directed to be paid through the interim order has since been paid and the petitioners require some time to pay the balance outstanding amount of fees to the third respondent.

4. Taking note of the said submission, we deem it appropriate to dispose the writ petition by permitting the petitioners to discharge the liability towards all the applicable fees outstanding to the third respondent college in three equal successive monthly instalments commencing from 30.04.2022. We make it clear that the third respondent college needs to return the documents/certificates pertaining to the petitioners only after receiving the total amount as directed above from the petitioners.

The writ petition is disposed as above.

Sd/-

**A.K.JAYASANKARAN NAMBIAR,
JUDGE**

Sd/-

**MOHAMMED NIAS C.P.,
JUDGE**

dlk 30.03.2022

APPENDIX OF WP (C) 8668/2022

PETITIONERS EXHIBITS

- Exhibit P1 THE IDENTITY CARD ISSUED BY THE ACADEMY OF MEDICAL SCIENCES, PARIYARAM, KANNUR TO THE PETITIONERS 1 TO 10 EXCEPT 3.
- Exhibit P2 THE RECEIPTS SHOWING PAYMENT OF FEE FOR THE YEAR 2017-18 BY THE PETITIONERS.
- Exhibit P3 THE RECEIPTS SHOWING PAYMENT OF FEE FOR THE YEAR 2018-19 BY THE PETITIONERS.
- Exhibit P4 THE RECEIPTS SHOWING PAYMENT OF FEE FOR THE YEAR 2019-20 BY THE PETITIONERS.
- Exhibit P5 A TRUE COPY OF THE IA FILED IN SLP (CIVIL) NO.12847/2020 BEFORE THE HON'BLE SUPREME COURT OF INDIA.
- Exhibit P6 A TRUE COPY OF NOTICE NO.B1/1470/11/GMCK DATED 17/01/2022 ISSUED BY THE 4TH RESPONDENT THROUGH THE 5TH RESPONDENT.
- Exhibit P7 A TRUE COPY OF THE NOTIFICATION ISSUED BY THE 6TH RESPONDENT UNIVERSITY HAVING NO.5055/2022/B2/EX.MED./KUHS DATED 16/02/2022.
- Exhibit P8 A TRUE COPY OF THE INTERIM ORDER PASSED BY THIS HON'BLE COURT IN WRIT PETITION (CIVIL) NO.7494/2022 ON 8/3/2022.
- EXHIBIT P9 A TRUE COPY OF THE EMPLOYMENT CERTIFICATE OF THE 2ND PETITIONER'S FATHER'S BROTHER CHANDRASEKHARAN NAMBIAR ATTESTED BY THE VICE CONSUL, CONSULATE GENERAL OF INDIA, DEBAI, UAE ISSUED ON 28.07.2017
- EXHIBIT P10 THE CERTIFICATE ISSUED BY THE VILLAGE OFFICER KAYARALAM SHOWING THE RELATIONSHIP DATED 20.07.2017
- EXHIBIT P11 THE COPY OF THE DEATH CERTIFICATE OF THE SPONSOR OF THE 2ND PETITIONER ISSUED BY THE PALLAVARAM MUNICIPALITY DATED 18.06.2021

- EXHIBIT P12 TRUE COPY OF THE COMMUNICATION ISSUED BY THE EMPLOYER REGARDING THE CUTTING DOWN OF SALARY AND OTHER ALLOWANCES
- EXHIBIT P13 TRUE COPY OF THE EMPLOYMENT CERTIFICATE ISSUED BY THE OVERSEAS EMPLOYER DATED 23.07.2017
- EXHIBIT P14 TRUE COPY OF THE RELATIONSHIP CERTIFICATE ISSUED BY THE VILLAGE OFFICER, ULLUR DATED 14.08.2017
- EXHIBIT P15 TRUE COPY OF THE TREATMENT CERTIFICATE ISSUED BY THE MEDICAL COLEGE HOSPITAL, THIRUVANANTHAPURAM ON 10.03.2020
- EXHIBIT P16 TRUE COPY OF THE COMMUNICATION ISSUED BY THE OVERSEAS EMPLOYER REGARDING THE REDUCTION OF SALARY AND OTHER EMOLUMENTS OF THE EMPLOYEES DATED 18.04.2020
- EXHIBIT P17 TRUE COPY OF THE INDUSTRIAL LICENSE ISSUED BY THE GOVERNMENT OF SHARJAH TO THEIR ESTABLISHMENT DATED 16.04.1996
- EXHIBIT P18 TRUE COPY OF THE DOCUMENT SHOWING PENDING PAYMENT DUE TOWARDS THE COMPANY OWNED BY THE 10TH PETITIONER'S PARENTS DATED 4.10.2018
- EXHIBIT P19 TRUE COPY OF THE BANK STATEMENT SHOWING THE CASH FLOW IN THE ACCOUNT MAINTAINED BY THE 10TH PETITIONER'S PARENTS DATED 15.03.2022