IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE N.NAGARESH

THURSDAY, THE 27TH DAY OF MARCH 2025 / 6TH CHAITHRA, 1947

WP(C) NO. 30614 OF 2024

PETITIONERS:

1 SWETA DILJITH
AGED 25 YEARS
D/O. DILJITH.K.K , INDRA SADAN, CHALAD.P.O, MANAL,
KANNUR DISTRICT REG:NO. 190012570, PIN - 670014

2 SHIGILA SAHADEVAN
AGED 25 YEARS
D/O. DR. A.N SAHADEVAN, DEVENDU HOUSE,
NEAR CALICUT MEDICAL COLLEGE CAMPUS, CHELAVOOR.P.O,
KOZHIKODE DISTRICT, REG:NO. 190012565, PIN - 673571

3 JOBINS JOSE
AGED 25 YEARS
S/O. JOSE.M.V, MATTI HOUSE, VARANDARAPILLY.P.O,
PALLIKUNNU, THRISSUR, DISTRICT,
REG:NO. 190012528, PIN - 680303

4 AMRUTH MITHRAN
AGED 25 YEARS
S/O. MITHRAN.K.C, ‘MEDHA', AYANCHERI KOVILAKAM,
PURAMERI.P.O, VADAKARA,
KOZHIKODE DISTRICT- REG: NO. 190012491, PIN - 673503

5 EDWIN TITI,
AGED 25 YEARS
S/O. TITIMON MATHEW, HINDALCO STAFF QUARTERS NO. A3,
KUTTIKKATTUKARA.P.O, UDYOGAMANDAL, ERNAKULAM DISTRICT,
REG:NO. 190012513, PIN - 683501

6 SHIBINA FARHA
AGED 24 YEARS
D/O. B.ABDUL RASHID, FAMEEDA'S,

NEAR ALAVIL JUMA MASJID. ALAVIL.P.O,
KANNUR DISTRICT,
REG:NO. 190012564, PIN - 670008

7 THEERTHA NATH.J.S
AGED 25 YEARS
D/O. SABARINATH, MAHALAKSHMI KOLLAYIL,
KOLLAYIL P,O, CHITHARA,KOLLAM DISTRICT,
REG:NO. 190012571, PIN - 691541

8 GEORGE JOSEPH
AGED 24 YEARS
S/O. VARKEY JOSEPH, CHEEPUNGAL (H),
RAYAMANGALAM.P.O, PERUMBAVOOR,
ERNAKULAM DISTRICT,
REG: NO. 190011059, PIN - 683545

9 ANTO JOSEPH
AGED 26 YEARS
S/O. JOSEPH ANTONY, KURICKAL HOUSE, CHITTANAD,
KUMARAPURAM.P.O, ERNAKULAM DISTRICT,
REG:NO. 190011043 , PIN - 683565

10 SANJALI DEEPAK
AGED 22 YEARS, D/O. DR. DEEPAK.S.K,
VIPANCHIKA, KOMERI.P.O, KOZHIKODE DISTRICT,
REG:NO. 190013731, PIN - 673007

11 ARAVIND.R
AGED 24 YEARS
S/O. RAJASEKHARAN NAIR, SREENILAYAM,
THODANAL.P.O, PALA, KOTTAYAM DISTRICT,
REG: NO. 190013660, PIN - 686573

12 PALLAVI SAJU FEEBA
AGED 22 YEARS
D/O. SAJU SADANANDAN, ARTECH ROHINI,
THOPPUMUKKU, VATTIYOORKAVU,
THIRUVANANTHAPURAM DISTRICT,
REG:NO. 190013762, PIN - 695013

13 DONALD PETSON,
AGED 25 YEARS, S/O. PETSON C THOMAS,
CHEMBAKASSERY(H), KODAKARA, THRISSUR DISTRICT,

REG:NO. 190012882, PIN - 680684

14 JINCY.K.B
AGED 25 YEARS
D/O. JOHNSATHYARAJAN, JUBILEE BUILDING,
UCHAKKADA.P.O, THIRUVANANTHAPURAM DISTRICT,
REG:NO. 190012893, PIN - 695506

15 AMANDA ROSE THOMAS
AGED 25 YEARS
,D/O. P.S THOMAS, D6,
YASORAM TEJAS APARTMENTS,
VENNALA HIGH SCHOOL ROAD, VENNALA,
ERNAKULAM DISTRICT,
REG:NO. 190012962 , PIN - 682028

16 LORIAHTA ELSAA ABISAL THOMAS
AGED 24 YEARS
D/O. M.S ABRAHAM SKARIA, MITHIRAMATTATHIL(H),
KARUKAPILLY P.O, KOLENCHERRY,
ERNAKULAM DISTRICT, REG:NO. 190012902 ,
PIN - 682311

17 PREVITT MARIYIL PAUL
AGED 24 YEARS
S/O. M.P PAUL, MARIYIL HOUSE, MANALITHRA.P.O,
ENKAKKAD VIA, THRISSUR DISTRICT,
REG:NO. 190011750, PIN - 680589

18 AASHISH AZEES
AGED 22 YEARS
S/O. ABDUL AZEES K.H, KOOLIYADAN HOUSE,
VENGOLA.P.O, PERUMBAVOOR, ERNAKULAM DISTRICT,
REG:NO. 190010391, PIN - 683556

BY ADVS.
BIMALA BABY
C.K.PRAMOD KUMAR(K/644/2010)

RESPONDENTS:

1 KERALA UNIVERSITY OF HEALTH SCIENCES
MULANKUNNATHUKAVU, THRISSUR,

REPRESENTED BY ITS REGISTRAR,
PIN - 680596

2 **THE CONTROLLER OF EXAMINATIONS**
KERALA UNIVERSITY OF HEALTH SCIENCES,
MULANKUNNATHUKAVU, THRISSUR, PIN - 680596

3 **NATIONAL MEDICAL COMMISSION**
POCKET-14, SECTOR-8, DWARAKA PHASE-I,
NEW DELHI- REPRESENTED BY ITS SECRETARY,
PIN - 110077

4 **THE PRINCIPAL, AMALA INSTITUTE OF MEDICAL SCIENCES,**
SH 69, AMALA NAGAR P.O, THRISSUR DISTRICT,
PIN - 680555

5 **THE PRINCIPAL**
MALANKARA ORTHODOX SYRIAN CHURCH MEDICAL COLLEGE, MEDICAL COLLEGE ROAD, KOLENCHERY.P.O,
ERNAKULAM DISTRICT, PIN - 682311

6 **THE PRINCIPAL**
P.K DAS INSTITUTE OF MEDICAL SCIENCES,
VANIAMKULAM, OTTAPALAM, PALAKKAD DISTRICT,
PIN - 679522

7 **THE PRINCIPAL**
MOUNT ZION MEDICAL COLLEGE, CHAYALODE P.O.,
EZHAMKULAM, ADOOR, PATHANAMTHITTA DISTRICT,
PIN - 691556

8 **THE PRINCIPAL**
THE PRINCIPAL,
SUT ACADEMY OF MEDICAL SCIENCES, VENCOD,
VATTAPPARA, THIRUVANANTHAPURAM,
PIN - 695028

9 **THE PRINCIPAL**
T.D MEDICAL COLLEGE, NH 66, VANDANAM,
ALAPPUZHA DISTRICT, PIN - 688005

BY ADVS.
BINNY THOMAS
K.S.PRENJITH KUMAR
GEORGE JACOB (JOSE)
ROSHEN D. ALEXANDER
P.SREEKUMAR (SR.)(K/410/1994)
TINA ALEX THOMAS(K/000532/2004)
HARIMOHAN(K/000327/2018)
KOCHURANI JAMES(K/003502/2022)
MERINE TOM(K/1434/2019)
ROSHAN JACOB MUNDACKAL(K/000794/2017)

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19.03.2025, THE COURT ON 27.03.2025 DELIVERED THE FOLLOWING:

N. NAGARESH, J.

‘‘

W.P.(C) No.30614 of 2024

‘‘

Dated this the 27th day of March, 2025

J U D G M E N T

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The petitioners, who are Final Year MBBS students (2019 Admission) undergoing the course in respondents 4 to 9 – Medical Colleges affiliated to the 1st respondent-Kerala University of Health Sciences, have filed this writ petition seeking to direct respondents 1 to 3 to conduct Supplementary Examination for Final Professional MBBS Degree Part-II Course. The petitioners also seek to direct respondents 1 and 2 to conduct Supplementary Examinations in every six months and to make necessary changes in Exts.P22 and P24.

2. The petitioners state that though they appeared for the Third Professional MBBS Part-II regular examinations as per the Notification dated 16.01.2024, they could not successfully complete the subjects. The petitioners therefore appeared for the Third Professional MBBS Degree Part-II Supplementary Examinations (2019 Admission) in July 2024. The petitioners failed in one or two subjects, in the Supplementary Examinations. The petitioners state that majority of the petitioners failed in the subjects Obstetrics & Gynecology and Pediatrics & Neonatology.

3. The petitioners filed complaints with regard to the improper valuation of answer books. The petitioners state that the course of the petitioners commenced during the Covid-19 pandemic period and is considered as Covid Batch. The petitioners joined the Course when Ext.P19 Course Regulations were in force. Ext.P20 Academic Regulations and Course Regulations of 124 Courses was published as per Gazette Notification dated 12.05.2017. As per

Regulation 1.15 of Ext.P20, examination shall be as per the Schedule approved by the Board of Examinations. On 04.11.2019, the Board of Governors issued Ext.P21 Regulations on Graduate Medical Education (Amendment), 2019. Regulation 11.2.1 of Ext.P21 provides that University Examinations are to be designed with a view to ascertain whether the candidate has acquired the necessary knowledge, minimal level of skills and ethical and professional values. Regulation 11.2.5 states that there shall be one main examination in an academic year and supplementary examination to be held not later than 90 days after the declaration of the results of the main examination.

4. The 3rd respondent-National Medical Commission framed Ext.P22 Competency Based Medical Education Curriculum (CBME) Guidelines on 01.08.2023. The Guidelines provided that at the end of each professional year, University Examination will be conducted. If any student fails to clear University Examination, he will appear in

Supplementary Examination.

5. The petitioners state that Ext.P22 Guidelines failed to consider the difficulties faced by the students of Undergraduate Medical Education. The petitioners would urge that the short duration to conduct Supplementary Examination is against the interest of the students. Students will not get time to prepare for the Supplementary Examination which are proposed to be conducted within three to six weeks from the date of declaration of results of the main examination. If a student fails in Supplementary Examination, he/she will have to wait for 12 months for appearing in the next examination. Since Third MBBS Part-II duration is 18 months, those students will have to wait for another 18 months for the next examination, which means they can attend the Supplementary Examination only along with their junior Batch.

6. The petitioners state that the 1st respondent-University framed Ext.P24 Regulations for MBBS Course in

2023. Ext.P24 provided that the said Regulations are applicable to all students admitted to MBBS Course from the academic year 2019. The respondents thereby have given retrospective effect to Ext.P24. The petitioners would submit that Ext.P24 is highly arbitrary and if an additional Supplementary Examination is conducted by the University, it can save the precious time of the students, failing which the petitioners will have to wait for a long time for the next examination.

7. Respondents 1 and 2 resisted the writ petition. Respondents 1 and 2 submitted that the Regulations issued by the National Medical Commission and the Kerala University of Health Sciences envisage only one main examination and a Supplementary Examination to be conducted within three to six weeks immediately from the declaration of the results.

8. I have heard the learned counsel for the petitioners and learned Standing Counsel representing

respondents 1 and 2. I have also heard the respective learned counsel appearing for respondents 3 and 8.

9. The petitioners are MBBS students admitted in the year 2019-2020. They appeared for the Third Professional MBBS Degree Part-II Examination as per Notification dated 16.01.2024. The petitioners could not successfully complete the subjects. The petitioners again appeared for the Third Professional MBBS Degree Part-II Supplementary Examinations in July, 2024. The petitioners failed in one or two Papers.

10. As per Ext.P22 CBME Guidelines, at the end of each professional year, University Examinations will be conducted. The Guidelines provided that Supplementary Examinations and declaration of results shall be processed within three to six weeks from the date of declaration of the results of the main examination for every professional year. The Supplementary Examinations were thus advanced with an intention that the candidates who passed the

Supplementary Examination, can join the main Batch for progression.

11. In view Ext.P22 Guidelines, if a candidate fails in the Supplementary Examination of First MBBS, he shall join the Batch of next academic/subsequent year. In other words, there will be no Supplementary Batches. In Ext.P24 Academic Course Regulations, the University has followed the NMC Regulations and it is made clear that the timings and subjects of University Examinations at the end of each year of the Course shall be as per Regulations of the National Medical Commission issued from time to time.

12. As per the University Academic Course Regulations, a candidate who fails in the Third Professional Part-I Examination shall be allowed to join Third Professional Part-II training. However, the candidate will not be allowed to appear for the Third Professional Examination Part-II unless the candidate has passed the Third Professional Part-I Examination. Thus, the Regulations issued by the National

Medical Commission and the University contemplate only one main examination, and one supplementary examination to be conducted within three to six weeks from the declaration of the results of the main examination in each academic year.

13. The request of the petitioners to conduct another Supplementary Examinations is not permissible since the Regulations issued by the National Medical Commission as also by the University provides for only one main examination and one Supplementary Examination immediately after the declaration of results of the main examination. As there are no Supplementary Batches, conducting Supplementary Examination within three to six weeks of declaration of results of main examination will enable the student to continue their studies without losing time.

14. Exts.P22 and P24 have been issued with the intention of aiding and assisting the students to progress

from one semester to higher semester at the earliest, without losing academic year. I do not find any illegality or arbitrariness in Exts.P22 and P24. Furthermore, as far as the petitioners are concerned, the Standing Counsel for the University has submitted that the Third Professional MBBS Degree Part-II Examinations are scheduled to commence tentatively from July, 2025. The petitioners can appear in the said examination provided they satisfy the requisite internal assessment marks and attendance as per Course Regulations.

The writ petition is therefore without any merit and is hence dismissed.

Sd/-

N. NAGARESH, JUDGE

aks/25.03.2025

APPENDIX OF WP(C) 30614/2024

PETITIONER'S EXHIBITS

Exhibit -P1	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 1ST PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P2	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 2ND PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P3	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 3RD PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P4	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 4TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P5	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 5TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P6	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 6TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P7	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 7TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE**

	PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.
Exhibit -P8	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 8TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P9	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 9TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P10	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 10TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P11	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 11TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P12	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 12TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P13	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 13TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit-P14	**TRUE COPY OF THE EXAMINATION RESULTS**

	DATED 09.08.2024 OF THE 14TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.
Exhibit-P15	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 15TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P16	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 16TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P17	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 17TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P18	**TRUE COPY OF THE EXAMINATION RESULTS DATED 09.08.2024 OF THE 18TH PETITIONER IN THE THIRD PROFESSIONAL MBBS DEGREE PART-II SUPPLEMENTARY EXAMINATIONS (2019) ADMISSION JULY, 2024.**
Exhibit -P19	**TRUE COPY OF THE COURSE REGULATIONS ON MBBS COURSE 2016.**
Exhibit -P20	**TRUE COPY OF THE GAZETTE NOTIFICATION NO.2891/AC1/GENA2/ KUHS/2017 DATED 12.05.2017.**
Exhibit -P21	**TRUE COPY OF THE REGULATIONS ON GRADUATE MEDICAL EDUCATION (AMENDMENT), 2019 PUBLISHED ON**

	04.11.2019.
Exhibit -P22	**TRUE COPY OF THE RELEVANT PAGES OF CBME GUIDELINES PUBLISHED AS PER NOTIFICATION NO.U.14021/8/2023-UGMED DATED 01.08.2023.**
Exhibit -P23	**TRUE COPY OF THE GRADUATE MEDICAL EDUCATION REGULATIONS, 2023 PUBLISHED ON 02.06.2023.**
Exhibit-P24	**TRUE COPY OF THE RELEVANT PAGES OF KUHS MBBS COURSE REGULATIONS 2023 PUBLISHED IN THE KERALA GAZETTE DATED 28.10.2023.**
Exhibit -P25	**TRUE COPY OF THE REQUEST DATED 19.08.2024 SUBMITTED BEFORE THE PRESIDENT OF THE UNDERGRADUATE MEDICAL EDUCATION BOARD, NATIONAL MEDICAL COMMISSION.**
Exhibit -P26	**TRUE COPY OF THE REQUEST DATED 19.08.2024 SUBMITTED BY THE MEMBER OF MODERN MEDICINE, KUHS UNIVERSITY UNION 2023 – 24 TO THE 3RD RESPONDENT.**
Exhibit P27	**A TRUE COPY OF THE CIRCULAR DATED 19/12/2023 ISSUED BY KERALA UNIVERSITY OF HEALTH SCIENCES ON RECOMMENDATIONS MADE BY ACADEMIC COUNCIL ON FINAL MBBS PART 1 EXAMINATION FOR 2020 BATCH**
Exhibit P28	**A TRUE COPY OF NOTICE ISSUED BY KERALA UNIVERSITY OF HEALTH SCIENCES NOTICE NO. 35257/2024/EX MED B4/ KUHS DATED 04/10/2024**
Exhibit P29	**A TRUE COPY OF THE TENTATIVE EXAMINATION CALENDAR SHOWING THE LAST UNIVERSITY EXAM CONDUCTED ON 05/03/2024 FOR 2019 BATCH REGULAR STUDENTS DATED 06/03/2024**

Exhibit P30	**A TRUE COPY OF THE CIRCULAR NO. 3997/2024/1/AC1/B2/KUHS DATED 01/03/2024**
Exhibit P31	**A TRUE COPY OF MAIL SEND BY DIVYA MARY JOHN DATED 12/08/2024**
Exhibit P32	**A TRUE COPY OF THE TENTATIVE EXAM SCHEDULE DOR ACADEMIC YEAR 2024- 2025 OF REVISED TENTATIVE EXAMINATION CALENDAR AS ON 23/11/2024**
Exhibit P33	**A TRUE COPY OF MAIL SEND BY THE 1ST PETITIONER TO THE VICE CHANCELLOR**
Exhibit P34	**A TRUE COPY OF THE THIRD PROFESSIONAL MBBBS DEGREE PART 1 (R&S) EXAMINATIONS FEBRUARY 2024 (2010. 2019 SCHEME) SCHEDULE OF PRACTICAL AND VIVA)**
Exhibit P35	**A TRUE COPY OF THE THIRD PROFESSIONAL MBBBS DEGREE PART 2 REGULAR EXAMINATIONS MARCH 2024)**