

IN THE HIGH COURT OF KERALA AT ERNAKULAM

WP(C).No. 19548 of 2010(P)

1. HARIKRISHNAN G., KARTHIKA, VIKAS NAGAR, ... Petitioner
2. ANNA MANJU V.T., VYMELIL HOUSE,
3. ARUN K.S., GANGOTHRI, T.C.19/1760(2),
4. HEERA H.L., ASWATHY, MRA-73,
5. JITHA V.R., THULASI BHAVAN,
6. REMYA DETH, REMRESH, KADAKKAVUR,
7. ARCHANA P., DARSANAM, VAZHOTTUKONAM,
8. UMA.G., SATHGIRI, CHERUKUNNAM, VARKALA.
9. DEVILAKSHMI V.K., SANKARA NILAYAM,
10. DIVYA NARAYANAN.K.
11. SREELAYA P.P., ARADHANA, BILATHIKULAM,
12. RONISHA T, NELLIKKAL HOUSE, PATTERNI
13. ASHIF.T., THODUVIL HOUSE,
14. ROSHNA REHMAN P.K. ASSAR, ADIVARAM,
15. AMRUTA K.R., ANJALI, 38/1408(OLD),
16. USHA ANTONY, PAZHAMPASSERIL, CHINNU
17. TINU REGINA B.J., BUNGLAWPARAMBIL
18. AMBILY VARGHESE, PUTHUSSERY HOUSE,
19. BALALEKSHMI V., SARAS, KOOTTIKKADA P.O

Vs

1. STATE OF KERALA, REPRESENTED BY THE ... Respondent
2. THE PRINCIPAL & CONTROLLING OFFICER,
3. THE COMMISSIONER FOR ENTRANCE

WP(C).No. 19548 of 2010(P)

For Petitioner :SRI.NAVEEN.T

For Respondent : No Appearance

The Hon'ble MR. Justice S.SIRI JAGAN

Dated :23/06/2010

O R D E R

S.SIRI JAGAN, J.

W.P.(C).No. 19548 of 2010

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Dated this the 23rd day of June, 2010

J U D G M E N T

The petitioners are candidates included in the rank list prepared by the 3rd respondent for admission to Post Graduate Homoeo Medical Courses in the State of Kerala for the year 2009-10. All the seats presently available have been filled up from the rank list. The petitioners have not been able to get admission as per their ranking. But, according to the petitioners, the 1st respondent had sanctioned 24 seats in MD (Homoeo) Pharmacy and Practice of Medicine in Thiruvananthapuram and Kozhikode Homoeopathic Medical Colleges, in 2005 itself. But due to laches on the part of the principals of the colleges, admissions to the said seats were made without obtaining prior approval from the Central Government. By Exts.P5 and P7 judgments, this Court held that prior approval from the Central Government need not be insisted for admission. The petitioners submit that the Executive Committee of the Central Council of Homoeopathy has taken a decision to ex-post facto regularisation of admission given in those colleges. It is also submitted that, according to the information of the petitioners, the appropriate authority is taking steps to grant ex post facto recognition to courses newly started in the homoeo medical colleges in the light of the above said judgments.

According to the petitioners, once recognition is granted as above, there would be a total 24 seats extra available in the two disciplines admission to which they aspire for. As per the prospectus, the validity of the rank list is 3 months from the date of publication. The petitioners' grievance is that if the period of validity of the list expires before the sanction is accorded, the petitioners and others would be prejudiced insofar as nobody would be able to get admission to those additional 24 seats. In the above circumstances, the petitioners have filed Ext.P9 representation before the 1st respondent seeking extension of period of validity of the rank list so as to facilitate admission to the additional 24 seats if and when sanction is accorded. The petitioners seek the following reliefs:

"i) issue a writ of mandamus or any other appropriate writ, direction or order directing the 1st respondent to consider and pass orders on Ext.P10 representation forthwith after affording an opportunity of being heard to the petitioners.

ii) issue a writ of mandamus or any other appropriate writ, direction or order directing the 1st respondent to extend the validity period of Ext.P2 ranked list for making admission to the MD (Homoeo) in Pharmacy and Practice of medicine."

2. The learned Government Pleader, on the basis of the writ petition, would submit that as on today, no decision can be taken in respect of extension of the list, insofar as the entire seats available have been filled up.

3. I have considered the rival contentions in detail.

4. It is not in doubt that there is a possibility, however, remote it is, of the additional 24 seats being sanctioned for Post Graduate Homoeo Medical courses. If that sanction materialises after the expiry of the rank list, then the entire 24 seats would go waste and nobody can be admitted to those additional seats. I am of opinion that such a situation should be avoided at any cost so that the additional seats can be filled this year itself. Therefore, the 1st respondent shall see that appropriate measures are taken to see that if and when the additional 24 seats are sanctioned, candidates are admitted to those additional seats from the rank list prepared notwithstanding the expiry of period of validity of the list, if necessary by taking a decision to keep the rank list current for a specified time for the purpose.

With the above observation, this writ petition is disposed of.

Sd/-

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S.SIRI JAGAN,

JUDGE

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P.A. to Judge