



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

FRIDAY, THE 14TH DAY OF AUGUST 2026 / 23RD SRAVANA, 1948

WP(C) NO. 23175 OF 2026

PETITIONER/S:

**KRISHNAPRIYA M
AGED 22 YEARS
D/O ANILKUMAR V, RESIDING AT MADATHIVILAYIL HOUSE,
PAVUMBA SOUTH, PAVUMBA PO, KARUNAGAPALLY, KOLLAM
DISTRICT-, PIN - 690574**

**BY ADVS.
SHRI.KRISHNADAS P. NAIR
SMT.K.L.SREEKALA
SHRI.HARIDAS P.NAIR
SRI.M.RAJESH KUMAR
SRI.K.G.MANOJ KUMAR
SHRI.PRASOON.K.P
SMT.ANU PRABHAKAR
SMT.SWATHY KRISHNA
SMT.ABHIRAMI P.S.
SMT.LAKSHMY BALAN**

RESPONDENT/S:

- 1 STATE OF KERALA
REPRESENTED BY THE SECRETARY, DEPARTMENT OF HEALTH
SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695001**
- 2 THE VICE CHANCELLOR,
KERALA UNIVERSITY OF HEALTH SCIENCES THRISSUR, KERALA,
INDIA -, PIN - 680596**
- 3 THE REGISTRAR,
KERALA UNIVERSITY OF HEALTH SCIENCES, THRISSUR, KERALA,
INDIA, PIN - 680596**



- 4 THE ASSISTANT REGISTRAR
KERALA UNIVERSITY OF HEALTH SCIENCES, THRISSUR, KERALA,
INDIA -, PIN - 680596
- 5 UGC GRANTS COMMISSION
BAHADUR SHAH MARG, NEW DELHI- REPRESENTED BY ITS
SECRETARY, PIN - 110002
- 6 THE NATIONAL MEDICAL COMMISSION OF INDIA,
POCKET-14, SECTOR-8, DWARKA PHASE-1, NEW DELHI-, PIN -
110077
- 7 THE PRINCIPAL,
SREE NARAYANA INSTITUTE OF MEDICAL SCIENCES, CHALAKKA,
NORTH KUTHIYATHODU P.O ERNAKULAM, PIN - 683594

BY ADVS.

SHRI.S.GANESH, SC, KERALA UNIVERSITY OF HEALTH SCIENCES
SHRI.S.KRISHNAMOORTHY, SC, S.KRISHNAMOORTHY, SC,
UNIVERSITY GRANTS COMMISSION - UGC
SHRI.K.S.PRENJITH KUMAR, SC, NATIONAL MEDICAL
COMMISSION
SHRI.P.SREEKUMAR (SR.)
SRI.ADITYA THEJUS KRISHNAN

OTHER PRESENT:

SMT. LAYA MARY JOSEPH, GP

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
14.08.2026, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:



BECHU KURIAN THOMAS, J.

W.P.(C) No. 23175 of 2026

Dated this the 14th day of August, 2026

JUDGMENT

The petitioner is a first year MBBS student of the 7th respondent college. She seeks permission to appear for a chance in First Professional MBBS Degree Examination.

2. Petitioner joined for the MBBS course in the year 2023, however, she has not been able to clear the first year MBBS as she failed in three subjects i.e., Human Anatomy, Physiology and Biochemistry. The first professional MBBS course has to be completed within four attempts in four years and the petitioner has already completed four attempts yet has not been able to clear the subjects.

3. Petitioners has hence approached this Court seeking directions to permit him to write the next First Professional MBBS Degree examination, either as a mercy chance or as a chance available to her within the four year period for completing the first MBBS, course.

4. The respondents have objected to the grant of any



permission or even leniency being shown to the petitioners. Reliance is based on the provisions of Graduate Medical Education Regulation, 2023, (for short 'GMER 2023') which stipulates that under no circumstances shall a student be allowed more than four attempts for the first year (First Professional MBBS).

5. I have heard the arguments of the learned counsel for the petitioner and the respective learned Standing Counsel, apart from the learned Government Pleader.

6. Regulation 21 GMER 2023 reads as follows:

" Training period and maximum duration - every student admitted in accordance with these regulations, shall undergo training as per the guidelines published by UGMEB of NMC and displayed on the NMC website from time to time;

Provided under no circumstances students shall be allowed more than four (04) attempts for the first year (First Professional MBBS) and no student shall be allowed to continue under graduate medical course after nine (09) years from the date of admission in the course."

7. The guidelines prescribed by the National Medical Commission stipulates that

"if the student fails in the supplementary examination in Phase I of MBBS, the student goes to the junior batch for teaching, learning as well



as for University Examinations. There shall be no supplementary batches. If a candidate has not appeared for the University examination (both theory and practical) for a subject, then it shall not be counted as an attempt for that subject. Partial attendance in examination (only theory and only practical) in any subject shall be counted as an attempt. No more than four attempts shall be allowed for a candidate to pass the Phase I Examination. The total period for successful completion of Phase I course shall not exceed four (4) years. A learner shall not be entitled to graduate greater than ten (10) years her/his joining the First MBBS course (including continuous rotatory medical internship)."

8. On a reading of above regulations as well as the guidelines, it is explicit that a candidate of the First Professional MBBS, can avail four attempts in a span of four years. Though the learned counsel for the petitioner contended that the four attempts must be regular attempts and cannot include attempts made at supplementary examination, the said contention, according to me is legally untenable.

9. When the words of the Regulation are specific and clear and does not involve any ambiguity, the court has to interpret the word in its plain and ordinary meaning. The words "four attempts for first year Professional MBBS" clearly indicates that irrespective of whether it is regular examination or supplementary examination,



a student has only four attempts. The term ‘regular exam’ as far as a failed candidate is concerned, applies only to the first attempt and every subsequent attempt will in fact, be a supplementary examination. Such a confusion regarding regular examination or supplementary examination does not arise as the Regulation specifically refers to “attempts” in contradistinction to regular or supplementary examination. Hence, this Court is of the view that a candidate can avail only four attempts, irrespective of whether it is regular or supplementary and once such attempts are availed, a further opportunity cannot be granted.

10. As regards the contention on leniency ought to be shown to the petitioner, it is appropriate to refer to the decision of the Delhi High Court in **Sachin and Others v. Union of India and Others** in W.P.(C) No.13180/2022 wherein it is observed as follows:

“Considering that medicine is a noble profession, and that a doctor serves the general public at large, the Government must have rules and regulations that ensure that only individuals with the inclination coupled with the requisite calibre are made medical professionals. Considering this, it is evident that the Impugned Regulations have been notified after careful thought and deliberation, and do not attract the vice of arbitrariness. It cannot be said that a candidate has a right to take an



examination for any number of times and the regulating authority cannot put cap on the number of attempts and such a cap which is put on the candidate takes away any right of a candidate."

11. Academics and academic prescriptions are not to tampered with by courts of law, unless there are exceptional reasons. Judicial interference with Regulations framed by academic bodies ought not to be done casually. Even if a specific Regulation leads a student to difficulty, the same is not a reason for this Court under Article 226 of the Constitution of India to interfere. This is all the more so when the issue under consideration relates to students of medicine, who ultimately cater to the needs of health of the society, whose competence, has a direct bearing on public health and safety.

In the instant case, no exceptional circumstances have been pointed out by any of the petitioners nor has any material been produced to indicate that a different approach should be adopted from that what is prescribed in the Regulations. In such circumstances, I find no merit in this writ petition.

Writ petition is dismissed with the above observations.

Sd/-
BECHU KURIAN THOMAS,
JUDGE

**APPENDIX OF WP(C) NO. 23175 OF 2026****PETITIONER EXHIBITS**

Exhibit P1	THE TRUE COPY OF THE COLLEGE ID CARD OF THE PETITIONER
Exhibit P2	THE TRUE COPY OF THE GAZETTE NOTIFICATION PUBLISHED BY THE 2ND RESPONDENT DATED 28.10.2023
Exhibit P3	THE TRUE COPY OF THE RESULTS OF PROVISIONAL EXAMINATION RESULTS OF THE FIRST PROFESSIONAL MBBS DEGREE REGULAR EXAMINATION (2023 ADMISSION), JULY 2024 DATED 12.09.2024
Exhibit P4	THE TRUE COPY OF THE RESULTS OF FIRST PROFESSIONAL MBBS DEGREE SAY EXAMINATIONS, OCTOBER 2024 DATED 07.11.2024
Exhibit P5	THE TRUE COPY THE PROVISIONAL RESULTS OF THE FIRST PROFESSIONAL MBBS DEGREE SUPPLEMENTARY EXAMINATIONS (2024 SCHEME- YEARBACK), AUGUST 2025 DATED 15.10.2025
Exhibit P6	THE TRUE COPY OF THE RESULTS OF FIRST PROFESSIONAL MBBS DEGREE SUPPLEMENTARY EXAMINATIONS (2024 SCHEME- YEARBACK), NOVEMBER 2025, DATED 03.12.2025
Exhibit P7	THE TRUE COPY OF THE REPRESENTATION SUBMITTED TO THE 3RD RESPONDENT DATED 16.12.2025
Exhibit P8	THE TRUE COPY OF THE REPLY OF THE 3RD RESPONDENT DATED 13.01.2026
Exhibit P9	THE TRUE COPY OF THE NOTIFICATION DATED 18.06.2026 ISSUED BY THE 3RD RESPONDENT
Exhibit P10	THE TRUE COPY OF THE EXAMINATION SCHEDULE ISSUED BY THE 3RD RESPONDENT DATED 01.07.2026