

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MRS. JUSTICE ANU SIVARAMAN

MONDAY, THE 2ND DAY OF AUGUST 2021 / 11TH SRAVANA, 1943

WP(C) NO. 15415 OF 2021

PETITIONERS :-

- 1 AZNA BEEVI. K.M., AGED 21 YEARS,
D/O.MUJEEB A., KALAPPUZHANGAYIL HOUSE,
KUPPAPURAM P.O., ALAPPUZHA DISTRICT,
PIN - 688 011.
- 2 DURGA V.D., AGED 20 YEARS,
D/O.DILEEP KUMAR V.V., VADASSERY HOUSE,
PUTHENPEDIKA P.O., THRISSUR DISTRICT,
PIN - 680 642.

BY ADVS.
ARUN SAMUEL
JITHIN BABU A

RESPONDENTS :-

- 1 STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY TO THE
GOVERNMENT, HIGHER EDUCATION DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695 001.
- 2 KERALA UNIVERSITY OF HEALTH SCIENCES,
REPRESENTED BY ITS REGISTRAR,
MEDICAL COLLEGE P.O., THRISSUR DISTRICT,
PIN - 680 596.
- 3 THE VICE CHANCELLOR,
KERALA UNIVERSITY OF HEALTH SCIENCES,
MEDICAL COLLEGE P.O., THRISSUR DISTRICT,
PIN - 680 596.
- 4 THE CONTROLLER OF EXAMINATIONS,
KERALA UNIVERSITY OF HEALTH SCIENCES,
MEDICAL COLLEGE P.O., THRISSUR DISTRICT,
PIN - 680 596.

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5 THE UNIVERSITY GRANTS COMMISSION (UGC),
REPRESENTED BY ITS SECRETARY,
BAHADUR SHAH ZAFAR MARG, NEW DELHI,
PIN - 110 002.

SRI. BIJOY CHANDRAN--SR. G.P.
SRI.P.SREEKUMAR, SC
R5 BY SRI.S.KRISHNAMOORTHY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02.08.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

JUDGMENT

Dated this the 2nd day of August, 2021

This writ petition is filed seeking the following reliefs :-

- “1(a) Declare that Ext.P6 is binding on the 2nd Respondent.
- 1(b) Issue a writ of certiorari or any other appropriate writ, order or direction to quash Exts.P1 to P4 and thus cancel all the proposed examinations.
- 2) Issue a writ of mandamus or any other writ, order or direction commanding the 3rd respondent to consider and pass orders on Ext.P8 as expeditiously as possible, in the interest of justice.”

2. Heard the learned counsel for the petitioners and the learned Standing Counsel appearing for the respondent, University.

3. Since there are only two petitioners in this writ petition and since examination is admittedly scheduled to be conducted on 4.8.2021, I am not inclined to pass any orders as sought for in the writ petition. I notice that the petitioners have a specific case that they are unable to write the examination because they had tested positive for Covid – 19.

In the above circumstances, it is directed that those students who are unable to write the examinations on account of reasons directly attributable to Covid – 19 pandemic will be permitted

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to write the examinations at the next chance and the next chance will be treated as their first chance for this examination. The petitioners shall produce documents to show the reasons for the inability to participate in the examinations scheduled to be conducted from 4.8.2021; which will be duly considered.

This writ petition is ordered accordingly.

**Sd/-
ANU SIVARAMAN
JUDGE**

Jvt/2.8.2021

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APPENDIX

PETITIONERS' EXHIBITS :-

EXT.P1 :- A TRUE COPY OF THE EXAMINATION TIME TABLE DATED 18/06/2021 FOR 1ST YEAR BSc NURSING DEGREE REGULAR/SUPPLEMENTARY (2010 SCHEME) ISSUED BY THE 4TH RESPONDENT.

EXT.P2 :- A TRUE COPY OF THE EXAMINATION TIME TABLE DATED 18/06/2021 FOR 1ST YEAR BSc NURSING DEGREE REGULAR/SUPPLEMENTARY (2016 SCHEME) ISSUED BY THE 4TH RESPONDENT.

EXT.P3 :- A TRUE COPY OF THE EXAMINATION TIME TABLE DATED 18/06/2021 FOR 2ND YEAR BSc NURSING DEGREE REGULAR/SUPPLEMENTARY (2010 SCHEME) ISSUED BY THE 4TH RESPONDENT.

EXT.P4 :- A TRUE COPY OF THE EXAMINATION TIME TABLE DATED 18/06/2021 FOR 2ND YEAR BSc NURSING DEGREE REGULAR/SUPPLEMENTARY (2016 SCHEME) ISSUED BY THE 4TH RESPONDENT.

EXT.P5 :- A TRUE COPY OF THE GUIDELINES DATED 01/07/2021 ISSUED BY THE 2ND RESPONDENT UNIVERSITY.

EXT.P6 :- A TRUE COPY OF THE GUIDELINES ON EXAMINATIONS AND ACADEMIC CALENDAR IN VIEW OF THE COVID-19 PANDEMIC ISSUED BY THE 5TH RESPONDENT.

EXT.P7 :- A TRUE COPY OF THE COVID 19 TEST RESULTS OF SOME OF THE STUDENTS WHO ARE GOING TO ATTEND THE EXAMINATIONS AS REGARDS EXTS.P1 TO P4.

EXT.P8 :- A TRUE COPY OF THE REPRESENTATION DATED NIL SUBMITTED BY THE PETITIONERS BEFORE THE 3RD RESPONDENT.

EXT.P9 :- A TRUE COPY OF THE POSTAL RECEIPT DATED 29/07/2021 AS REGARDS EXHIBIT P8.