

Present:

THE HONOURABLE MR.JUSTICE S.V.BHATTI

Monday, the 20th day of January 2020/30th Pousha, 1941

WP(C)No.1426/2020(C)

PETITIONERS

1. ALSHAN K.SUNDAR, AGED 22 YEARS, S/O. SUNDARAN K.V., KUNHAPILLY HOUSE, PANANAGAD POST, THRISSUR-680 665.
2. ANEESH U. KURUP, AGED 22 YEARS, S/O.N.UNNIKRISHNAN, PLAVILETHEKKETHIL, CHERIYANADU P.O., ALAPPUZHA-689 511.
3. MOHAMMED IHSAN, AGED 22 YEARS, S/O. MOHAMMED IQBAL, AL THSAN HOUSE, THURAKKAL, MANJERI P.O., PIN-676 121.
4. AFSAL ARIF, AGED 22 YEARS, S/O. ALIF BASHEER, THAZHATHU VEEDU, CHITTAR P.O., PATHANAMTHITTA, PIN-689 663.
5. AFSAL P.A., AGED 22 YEARS, S/O. ABDUL AZEEZ, POOTHOKKIL HOUSE, NATTIKA, THRISSUR, PIN-680 566.
6. MUHAMOOD ABDUL RAUF, AGED 22 YEARS, S/O. ABDUL RAUF, HASEENA MANZIL, MANNA, TALIPARAMBU, KANNUR, PIN-670 141.
7. DEEPAK S. KUMAR, AGED 21 YEARS, S/O. A.SURESHKUMAR, USHAS NEDUNGOLAM, PARAVOOR P.O., KOLLAM, PIN-691 301.
8. MUHAMMED FAYIS, AGED 21 YEARS, PADUVIL HOUSE, THOTTARA, KARIMPUZHA P.O., PALAKKAD, PIN-679 513.
9. BITSON SHIBU, AGED 20 YEARS, S/O. SHIBU P. KURIAN, PLANTHOTTIL HOUSE, KUMARAPURAM P.O, MORAKKALA, ERNAKULAM-683 565.
10. AKHIL O.J., AGED 23 YEARS, S/O.K.OMANAKRISHNAN, KUMARA BHAVAN, KAKKAKUZHI, VENGANOOR, NELLIVILA P.O., THIRUVANANTHAPURAM-695 523.
11. HARIKRISHNAN P.H., AGED 21 YEARS, S/O. HAREENDHRAN NAIR, PADINJAREVEETIL HOUSE, VIZHIKKATHODU P.O., KOTTAYAM-686518.
12. ARUNRAJ, AGED 21 YEARS, S/O. K. RAJU, POKKATHUTHARAYIL HOUSE, THAZHAVA, KARUNAGAPPALLY, KOLLAM.
13. ATHUL GANESH, AGED 21 YEARS, S/O. SATHEESAN, GANESAM, MANACAUD P.O., THIRUVANANTHAPURAM-695 009.

RESPONDENTS

1. THE KERALA UNIVERSITY OF HEALTH SCIENCE, REPRESENTED BY ITS REGISTRAR, MEDICAL COLLEGE P.O., THRISSUR, PIN-680 020.
2. THE CHAIRMAN, BOARD OF ADJUDICATION, GRIEVANCE CELL, THE KERALA UNIVERSITY OF HEALTH SCIENCE, MEDICAL COLLEGE P.O., THRISSUR, PIN-680 020.
3. THE VICE CHANCELLOR, THE KERALA UNIVERSITY OF HEALTH SCIENCE, MEDICAL COLLEGE P.O., THRISSUR, PIN-680 020.
4. KMCT MEDICAL COLLEGE, MANASSERY P.O., MUKKAM, KOZHIKODE-673 602, KERALA REPRESENTED BY ITS PRINCIPAL.
5. KUNHITHARUVAI MEMORIAL CHARITABLE TRUST, KMCT MEDICAL COLLEGE, MANASSERY P.O., MUKKAM, KOZHIKODE-673602, KERALA, REPRESENTED BY ITS CHAIRMAN.

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Writ Petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased to direct the 4<sup>th</sup> and 5<sup>th</sup> respondent to issue 'No Due Certificate/non liability certificate to the petitioners without insisting for payment of hostel fees and permit the petitioners to write the university examinations and desist from making any rule/restrictions against the petitioners to remit the hostel fees.

This petition coming on for orders upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of SRI.DR.K.P.SATHEESAN, (SENIOR ADVOCATE) along with SRI.LEGITH T.KOTTAKKAL, Advocate for the petitioners, SRI.P.SREEKUMAR, Advocate for R1 to R3, and of SMT.ARUNDHATHI.K. as ADVOCATE COMMISSIONER, the court passed the following:

P.T.O

TRC/20-01-2020



S.V. BHATTI, J.

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Dated this the 20<sup>th</sup> day of January, 2020

ORDER

Heard Adv.Legith.T.Kottakal and Senior Advocate Dr.K.P. Satheesan for petitioners and Adv.P.Sreekumar for Kerala University of Health Science.

2. The petitioners are students of 2<sup>nd</sup> year MBBS studying in KMCT Medical College, Kozhikode. The petitioners voice a few serious objections on the present state of living conditions in the hostel run by the Medical College. The petitioners, in the process, claim for exemption from staying in the hostel and also paying the hostel accommodation fee as now demanded by the Medical College.

3. The learned counsel for petitioners referred to the allegations in the petition and also the decision in Ext.P6 in W.P(C) No.1426/2020.

4. Adv.P.Sreekumar appearing for Kerala University of Health Science, firstly, requests time to get instructions to the



extent the University can assist this Court in the matter, for the allegations if one, have bearing on infrastructural facilities claimed by the College and secondly, unless *prima facie* case is made out by the petitioners, it ought not to be assumed that the hostel run by the Medical College, is not conforming to the infrastructure facilities insisted upon by the University and Medical Council of India (MCI).

5. This Court is conscious of the scope of judicial review, in a grievance like the one presented in the writ petitions. But the fact of the matter is that, students studying MBBS are complaining against living conditions maintained by the Medical College in a hostel under its control. The allegations, if are true, the consequences thereof are more serious than what is canvassed by students in these writ petitions. Therefore, with a view to get the status report on the present state-of-affairs i.e., physical sanitary etc in the hostel maintained by the Medical College, the suggestion of the counsel appearing for the petitioners, to appoint an Advocate Commissioner, with a work



memo, take photographs and submit a report to the Court on the next date of hearing, is accepted.

6. Adv. Arundhathi K. is appointed as Advocate Commissioner to inspect the hostel run by the Medical College within 12 hours from the date and time of receipt of copy of this order and report filed latest by 23.01.2020. The Advocate Commissioner is given the discretion to note all the facilities/amenities, both positive and negative, in the report she proposes to file in this behalf. The fee and expenses of Advocate Commissioner are fixed at Rs.35,000/- (Rupees Thirty five thousand only) and Rs.15,000/- (Rupees Fifteen thousand only) respectively. The students in these two writ petitions are directed to proportionately bear the instant costs of appointment of Advocate Commissioner through this order. The Advocates on record ensure payment of fee and expenses before the warrant is executed by Advocate Commissioner. The Advocate Commissioner will serve notice on the Medical College by Fax, E-mail/ Whatsapp whichever is practicable before

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making the inspection.

Post on 23.01.2020.

Registry to hand over copy of this order to the Advocate  
Commissioner along with writ papers.

JS

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True copy

Sd  
S.V. BHATTI,  
JUDGE

MH  
ASSISTANT REGISTRAR



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EXHIBIT P6 - COPY OF THE ORDER AFRC 50/18/MBBS/SPECIAL/FEE/KMCT DATED  
12/07/2018 ISSUED BY ADMISSION AND FEE REGULATORY COMMITTEE  
FOR MEDICAL EDUCATION IN KERALA