



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. A.J.DESAI

&

THE HONOURABLE MR.JUSTICE V.G.ARUN

WEDNESDAY, THE 20TH DAY OF MARCH 2024 / 30TH PHALGUNA, 1945

WA NO. 425 OF 2024

AGAINST THE ORDER DATED 13.03.2024 IN WP(C) NO.5220 OF 2024

OF HIGH COURT OF KERALA

APPELLANT/S:

- 1 THE PRINCIPAL
GOVT. MEDICAL COLLEGE, ULLOOR P.O,
THIRUVANANTHAPURAM., PIN - 695011
- 2 THE DIRECTORATE OF MEDICAL EDUCATION (KERALA)
MEDICAL COLLEGE, KUMARAPURAM ROAD, CHALAKKUZHY,
THIRUVANANTHAPURAM., PIN - 695011
- 3 STATE OF KERALA
REP. BY SECRETARY (HEALTH DEPARTMENT), GOVT.
SECRETARIAT, THIRUVANANTHAPURAM., PIN - 695001
BY ADVS.
SHRI.N.MANOJ KUMAR, STATE ATTORNEY
SRI.P.G.PRAMOD, GOVERNMENT PLEADER

RESPONDENT/S:

- 1 DR.RUWISE E.A
AGED 28 YEARS
S/O.ABDUL RASHEED E,, IDAYILA VEEDU, NEAR MEEN
MUKKU MADRASA, KOZHIKKODE SVM P.O,
KARUNAGAPPALLY, AYANIMEL KULANGARA VILLAGE,
KOLLAM DISTRICT., PIN - 690573
- 2 THE VICE CHANCELLOR
THE KERALA UNIVERSITY OF HEALTH SCIENCES, (KUHS),
MULAMKUNNATHUKAVU, THRISSUR., PIN - 680581
BY ADVS.
M.G.KARTHIKEYAN M.G.
BINNY THOMAS
P.SREEKUMAR (SR.)
NIREESH MATHEW
VIVEK VENUGOPAL
BABU JOSE



GAJENDRA SINGH RAJPUROHIT
DEVAN N.R
GEORGE V. PAUL

OTHER PRESENT:

SR. ADV. C.C.THOMAS FOR R1.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
20.03.2024, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



J U D G M E N T

A. J. Desai, C. J.

By way of the present appeal filed under Section 5 of the Kerala High Court Act, 1958, the original respondents 1, 3 and 4 have challenged the interim order dated 13.03.2024 in W. P. (C) No. 5220 of 2024.

2. It appears from the impugned interim order and the submission of the learned State Attorney appearing for the appellants that if sufficient time had been granted to the present appellant State authorities to file counter affidavit with relevant documents and permitted to argue the matter, the grievance raised in this appeal might not have arisen. It is also brought to the notice of this Court that an Enquiry Committee has been constituted and the Committee has completed the enquiry.

3. Taking into account the above aspects, we dispose of this appeal with the following directions:-

The disciplinary proceedings initiated against the original



petitioner shall be completed within a period of one week. On completion of the proceedings, the appellants may file an additional counter affidavit before the learned Single Judge, within a period of four days of the decision. The learned Single Judge is requested to decide the writ petition at the earliest. The interim order impugned in this writ appeal is quashed and set aside only on the ground of not providing sufficient opportunity for the appellants to place their case before the learned Single Judge.

Pending Interlocutory Applications, if any, shall stand closed.

Sd/-
A. J. DESAI
CHIEF JUSTICE

Sd/-
V. G. ARUN
JUDGE



APPENDIX OF WA 425/2024

PETITIONER EXHIBITS

EXHIBIT P1 IN TRUE PHOTOCOPY OF THE ORDER OF
WP(C) SUSPENSION NO.GMCTVM/8967/2023- B2 DATED
07.12.2023 PASSED BY THE 1ST RESPONDENT.

EXHIBIT P2 IN TRUE PHOTOCOPY OF THE ORDER DATED
WP(C) 22.12.2023 IN B.A.NO.11024/2023 PASSED
BY THIS HON'BLE COURT.

EXHIBIT P3 IN TRUE PHOTOCOPY OF THE ORDER DATED
WP(C) 15.12.2023 IN B.A.NO.10993/2023 PASSED
BY THIS HON'BLE COURT.

EXHIBIT P4 IN TRUE PHOTOCOPY OF THE REPLY TO EXT.P1
WP(C) AND REQUEST TO REVOKE EXT.P1 BY
PERMITTING THE PETITIONER TO CONTINUE
HIS STUDIES SUBMITTED BEFORE THE 1ST
RESPONDENT WITH COPY TO OTHERS DATED
27.12.2023.

EXHIBIT P5 IN TRUE PHOTOCOPY OF THE JUDGMENT DATED
WP(C) 18.01.2024 IN WP(CRL)NO.1037/2023 PASSED
BY THIS HON'BLE COURT.