

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 20TH DAY OF MAY 2022 / 30TH VAISAKHA, 1944

WP(C) NO. 16355 OF 2022

PETITIONERS:

- 1 ASWIN DAS
AGED 30 YEARS
S/O SIVADASAN P., SARASIJAM HOUSE, ELATHOOR P.O.,
KOZHIKODE DISTRICT- 673 303.
- 2 HAMNA T.P.,
AGED 31 YEARS, D/O ABDUL MANAF T.P., C2, JANNAH,
ANTARTIS SILVER HILLS VILLA, MOOZHICKAL, KALLAYI P.O.,
KOZHIKODE- 673 003.
- 3 AHANA FATHIMA,
AGED 29 YEARS, D/O K. HASSAN, KODUVELIL, AROOKUTTY P.O.,
CHERTHALA, ALAPPUZHA -688535.
- 4 SHRADHA D'CRUZ,
AGED 26 YEARS, D/O SILVACRUZ J, TC 25/3305, SHREYAS,
VANCHIYOOR P.O., THIRUVANANTHAPURAM-695001.
- 5 AAJAL M.S.,
AGED 29 YEARS, S/O N. MOHANAN, MAAS VILLA, TC-55/1664,
AMBANADU, KAIMANAM P.O., THIRUVANANTHAPURAM- 695 040.
- 6 RAMEESA ABDULLA,
AGED 28 YEARS, D/O ABDULLA, PARIYARATH HOUSE,
PATHIRAMANNA, PUZHAKKATTIRI P.O., MALAPPURAM- 679 321.
- 7 ANJALI P.S.,
AGED 28 YEARS, D/O SIVAPRASAD P.L., PUTHANMURIYIL
HOUSE, PATTANAKAD P.O., ALAPPUZHA- 688531.
- 8 SONIYA SAJITH,
AGED 27 YEARS, D/O SAJITH, HOUSE NO. 11, VINAYAKA
NAGAR, MUKKOLA, NEDUMANGAD P.O., KALLAYAM,
THIRUVANANTHAPURAM- 695 541.
- 9 ANJU S.,
AGED 29 YEARS, D/O SUDHAKARAN, SREEKULAM, NORTH
MYNAGAPALLY P.O., KOLLAM DISTRICT-690 519.
- 10 MOHAMMED IRSHAD M.,
AGED 26 YEARS, S/O MOHAMMED IQBAL, RAFI MANZIL,

KODINADA, NEAR SBT, BALARAMAPURAM P.O.,
PALLICHAL, THIRUVANANTHAPURAM-695 501.

- 11 VISHNU U.S.,
AGED 25 YEARS, S/O UNNIKRISHNAN G, SREELAKSHMI
NIVAS, PARAKKUNNU P.O., NAVAIKULAM,
THIRUVANTHAPURAM-695 603.
- 12 RAMSEENA N.P.,
AGED 29 YEARS, C/O SHAHEER, ANTHUR HOUSE,
CHEMBELPADI, VELIYANKODE P.O.,
MALAPPURAM- 679 587.
- 13 CLINS MAXIN,
AGED 27 YEARS, S/O MAXIN, KOLAPRAN HOUSE,
VETTUKADAVU, CHALAKKUDY P.O.,
THRISSUR- 680 307.
- 14 ANEEZA A.,
AGED 32 YEARS, D/O ALIYARKUNJU, ANAKKUZHY
HOUSE, MUKKALA P.O., VENJARAMOODU,
THIRUVANANTHAPURAM- 695 607.
- 15 DEEPTHY SURESH K,
AGED 27 YEARS, D/O SURESH KUMAR, DESERT STORM,
SAN NAGAR, VENCODE P.O.,
THIRUVANANTHAPURAM- 695 028.
- 16 VISHNU SANAL,
AGED 31 YEARS, S/O SANAL KUMAR, AMBADI, TC
2/3151, PLRA 144, PANACHAMOODU LANE, NEAR
KENDRIYA VIDYALAYA, PATTOM P.O.,
THIRUVANANTHAPURAM-695 004.
- 17 BASMA BASHEER,
AGED 25 YEARS, D/O BASHEER, THAKADIYEL HOUSE,
KARAPUZHA P.O., VAIKOM, KOTTAYAM- 686 003.
- 18 SIJO,
AGED 28 YEARS, S/O MOLLY SHAJI, NJAVALLY,
VELANGUPPARA, VELLANGELLUR P.O.,
THRISSUR-680586.
- 19 HADASA J SAGARAM,
AGED 28 YEARS, D/O HARI, SAGARA BHAVAN,
THARMARUKONAM, MACHAMCODE P.O.,

THIRUVANANTHAPURAM- 695 125.

20 JYOLSNA S.,
AGED 25 YEARS, D/O SHANMUGHAN S., MAYOORAM,
DPO ROAD, UP HILL, MALAPPURAM-676505.

BY ADVS.
C.DHEERAJ RAJAN
ANAND KALYANAKRISHNAN

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, MINISTRY OF
HUMAN RESOURCE DEVELOPMENT, SOUTH BLOCK,
NEW DELHI- 110 000.
- 2 NATIONAL BOARD OF EXAMINATIONS IN MEDICAL
SCIENCES,
REPRESENTED BY ITS EXECUTIVE DIRECTOR, MEDICAL
ENCLAVE, ANSARI NAGAR, MAHATMA GANDHI MARG
(RING ROAD), NEW DELHI- 110 029.
- 3 NATIONAL TESTING AGENCY,
REPRESENTED BY ITS DIRECTOR GENERAL, SECTOR
62, NOIDA, UTTAR PRADESH- 201 309.
- 4 MEDICAL COUNCIL OF INDIA,
REPRESENTED BY ITS SECRETARY GENERAL, POCKET-
14, SECTOR 8, DWARAKA PHASE,
NEW DELHI- 110 077.

BY ADVS.
MANU S. ASG OF INDIA
SHRI.P.SANJAY, SC, NATIONAL BOARD OF
EXAMINATIONS IN MEDICAL SCIENCES (NBEMS)
SHRI.NIRMAL S, SC, NATIONAL TESTING AGENCY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 20.05.2022, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

P.V.KUNHIKRISHNAN, J.

W.P.(C).No. 16355 of 2022

Dated this the 20th day of May, 2022

JUDGMENT

The above writ petition is filed with the following prayers:

"(i) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent to comply with clause 7.5 of Exhibit P1 prospectus.

(ii) Issue a writ of mandamus or any other appropriate writ, order or direction directing the 2nd respondent to allot an examination centre to the petitioners in the same state/ adjoining state as per the provisions contained in Exhibit P1 prospectus.

(iii) Grant such other relief deemed fit to this Hon'ble Court."[SIC]

2. The grievance of the petitioners is that the NEET – PG Examination is scheduled on tomorrow (21.05.2022). The Admit cards were issued to the petitioners and other candidates only on 14.05.2022. As per Clause 7.5 of Ext.P1, if the examination centre is not available in the State, nearby state is to be given. It is

also stated in Clause 7.5 that the candidates opting for other options shall be informed about their testing city in advance. The grievance of the petitioners is that the admit cards were received only on 14.05.2022 and the examination is scheduled on 21.05.2022. The petitioners were allotted examination centres at Andhra Pradesh and Hyderabad. They are not in a position to book tickets to travel to the said examination centres. Hence this writ petition is filed.

3. Heard counsel appearing for the petitioners and the Standing Counsel appearing for 2nd respondent. I also heard the counsel appearing for 3rd respondent and the ASGI.

4. Counsel for the petitioners narrated their grievance in detail. The counsel submitted that the petitioners received the admit cards only on 14.05.2022 and the examination is scheduled on 21.05.2022. The petitioners are not in a position to reach the examination centres on 21.05.2022 which is a far away place. The counsel also takes me through Clause 7.5 of Ext.P1

Information bulletin. The Standing counsel appearing for the 2nd respondent takes me through Clause 7.3 of Ext.P1. The Standing counsel submitted that most of the petitioners were adjusted in Kerala itself when the examination was scheduled in March 2022. But now when the examination was postponed, the Examination centres which were originally allotted was not available and that is why the petitioners were given the examination centres in Hyderabad and Andhra Pradesh. The Standing counsel also submitted that about 2,65,000 candidates are appearing for the examination and it is an all India level examination. The counsel submitted that, if any order is passed, that will create trouble. The counsel also submitted that all arrangements are made for the examination.

This Court considered the contentions of the petitioners and the respondents. This Court also considered Clauses 7.3 and 7.5 of Ext.P1. It is true that there is inconvenience to the petitioners because of the sudden notice about the examination centres. But the

examination is scheduled on 21.05.2022. All the arrangements were made and about 2,65,000 candidates are appearing for this examination. On the previous day of the examination, it will not be proper on the part of this Court to postpone the examination or to interfere with the examination centres which is now allotted to the petitioners. I see no merit in this writ petition.

Therefore, this writ petition is dismissed.

DM

Sd/-
P.V.KUNHIKRISHNAN
JUDGE

APPENDIX OF WP(C) 16355/2022

PETITIONER EXHIBITS

EXHIBIT P1	THE TRUE COPY OF THE PROSPECTUS ISSUED BY THE 2ND RESPONDENT
EXHIBIT P2	THE TRUE COPY OF THE ADMIT CARD ISSUED TO THE 1ST PETITIONER BY THE 2ND RESPONDENT
EXHIBIT P2A	THE TRUE COPY OF THE ADMIT CARD ISSUED TO THE 2ND PETITIONER BY THE 2ND RESPONDENT
EXHIBIT P2B	THE TRUE COPY OF THE ADMIT CARD ISSUED TO THE 3RD PETITIONER BY THE 2ND RESPONDENT
EXHIBIT P2C	THE TRUE COPY OF THE ADMIT CARD ISSUED TO THE 4TH PETITIONER BY THE 2ND RESPONDENT
EXHIBIT P2D	THE TRUE COPY OF THE ADMIT CARD ISSUED TO THE 5TH PETITIONER BY THE 2ND RESPONDENT
EXHIBIT P2E	THE TRUE COPY OF THE ADMIT CARD ISSUED TO THE 6TH PETITIONER BY THE 2ND RESPONDENT
EXHIBIT P2F	THE TRUE COPY OF THE ADMIT CARD ISSUED TO THE 7TH PETITIONER BY THE 2ND RESPONDENT
EXHIBIT P2G	THE TRUE COPY OF THE ADMIT CARD ISSUED TO THE 8TH PETITIONER BY THE 2ND RESPONDENT
EXHIBIT P2H	THE TRUE COPY OF THE ADMIT CARD ISSUED TO THE 9TH PETITIONER BY THE 2ND RESPONDENT
EXHIBIT P2I	THE TRUE COPY OF THE ADMIT CARD ISSUED TO THE 10TH PETITIONER BY THE 2ND RESPONDENT
EXHIBIT P2J	THE TRUE COPY OF THE ADMIT CARD

ISSUED TO THE 11TH PETITIONER BY THE
2ND RESPONDENT

EXHIBIT P2K THE TRUE COPY OF THE ADMIT CARD
ISSUED TO THE 12TH PETITIONER BY THE
2ND RESPONDENT

EXHIBIT P2L THE TRUE COPY OF THE ADMIT CARD
ISSUED TO THE 13TH PETITIONER BY THE
2ND RESPONDENT

EXHIBIT P2M THE TRUE COPY OF THE ADMIT CARD
ISSUED TO THE 14TH PETITIONER BY THE
2ND RESPONDENT

EXHIBIT P2N THE TRUE COPY OF THE ADMIT CARD
ISSUED TO THE 15TH PETITIONER BY THE
2ND RESPONDENT

EXHIBIT P2O THE TRUE COPY OF THE ADMIT CARD
ISSUED TO THE 16TH PETITIONER BY THE
2ND RESPONDENT

EXHIBIT P2P THE TRUE COPY OF THE ADMIT CARD
ISSUED TO THE 17TH PETITIONER BY THE
2ND RESPONDENT

EXHIBIT P2Q THE TRUE COPY OF THE ADMIT CARD
ISSUED TO THE 18TH PETITIONER BY THE
2ND RESPONDENT

EXHIBIT P2R THE TRUE COPY OF THE ADMIT CARD
ISSUED TO THE 19TH PETITIONER BY THE
2ND RESPONDENT

EXHIBIT P2S THE TRUE COPY OF THE ADMIT CARD
ISSUED TO THE 20TH PETITIONER BY THE
2ND RESPONDENT

RESPONDENTS EXHIBITS :NIL

//TRUE COPY//

PA TO JUDGE