

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE RAJA VIJAYARAGHAVAN V

MONDAY, THE 21ST DAY OF MARCH 2022 / 30TH PHALGUNA, 1943

WP(C) NO. 5340 OF 2022

PETITIONERS:

- 1 ARAVIND T R
 AGED 24 YEARS
 S/O. REJI T.A., THUNDATHIL (H), NEAR S M H S,
 CHERAI, ERNAKULAM DISTRICT-683514.

- 2 RAHMATHUNNISA,
 AGED 24 YEARS
 D/O. K.ABDUL RASAK, JILANI SHARIF, EAST DESAM,
 ALUVA, ERNAKULAM-683101.

- 3 ALIM YUSUF A.K.,
 AGED 24 YEARS
 S/O. A.Y.KHALID, AMBALATH HOUSE, POOTHOLE ROAD,
 POOTHOLE POST, THRISSUR-680004.

- 4 NANA BIJU,
 AGED 26 YEARS
 D/O. K.G.BIJU, NANA GARDENS, PODIYADI P.O.,
 THIRUVALLA, PATHANAMTHITTA-689110.

- 5 MALAVIKA HARI,
 AGED 26 YEARS
 D/O. HARIKUMAR T.N., SANDEEPANI, KEERIKAD P.O.,
 RAMAPURAM, HARIPAD, ALAPPUZHA-690508.

- 6 DILSHANA PARVEEN T.,
 AGED 24 YEARS
 D/O. ABDULLA T.T., THENGINTHOTTATHIL (H), N.I.T.
 (P.O.), KATTANGAL, KOZHIKODE-673601.

- 7 MOHAMMED YASIR T.,
 AGED 25 YEARS
 D/O. HAMEED T., THEVARTHODI HOUSE, MANKADA P.O.,
 MALAPPURAM -679324.

- 8 ANOODHA FATHIMA A.M.,
AGED 24 YEARS
D/O. AHAMMED KUTTY A.M., ARALAYIL MEETHEL (H),
KOOLIMADU, PAZHOOR P.O., MAVOOR (VIA), CALICUT-
673661.
- 9 ANJANA R.,
AGED 24 YEARS
D/O. P.K.RADHAKRISHNAN, BANSURI, NEEREPURATH
PARAMBA, PERUMUGHAM P.O., FEROKKE, KOZHIKODE-673631.
- 10 ASWANTH A.S.,
AGED 25 YEARS
S/O. ASHOKAN, THEKKAYIL (H), OLLUR, ULLIYERI,
KUNNATHARA P.O., KOZHIKODE-673620.
- 11 ACHUTH CHERUKUNNATH,
AGED 23 YEARS
D/O. K.M.ANILKUMAR, ACHUTHAM, CHERUMUKKU TEMPLE
ROAD, THRISSUR-680020.
- 12 ANJITHA ANN BENNY,
AGED 25 YEARS
D/O. BENNY PAUL, CHERUPARAMBIL HOUSE, C.H.COLONY
ROAD, MARIKUNNU P.O., KOZHIKODE-673012.
- 13 FEBA ALICE JOHNSON,
AGED 24 YEARS
D/O. P.J.JOHNSON, HOUSE NO.9, JANASHAKTHI ROAD,
PUKANATTUKARA P.O., MUTHUVARA, THRISSUR-680551.
- 14 AVANI T.,
AGED 25 YEARS
D/O. T.MANOCHARAN, MANDARAM, NEAR THADATHIL KOORUMBA
KAVU, PALLIKUNNU, KANNUR-670004.
- 15 ALEEJA LEELA JOHN,
AGED 26 YEARS
D/O. JOHNY P.J., PERUMBATHARA (H), CHERTHALA P.O.,
ALAPPUZHA-688524.
- 16 MIDHUNLAL T.,
AGED 25 YEARS
S/O. MADHUPRASANTH T., PUTHUKKUDI (H), CHERUPPA
P.O., MAVOOR, KOZHIKODE-673661.

- 17 GAURI P. NAIR,
AGED 24 YEARS
D/O. PRAMOD P.S., TC 9/1038/1, MLR 136 A,
PULINTHANATHU, SHASTHAMANGALAM, THIRUVANANTHAPURAM-
695010.
- 18 SHAMNA SHIRIN,
AGED 25 YEARS
D/O. UBAID P., HILITE RESIDENCY, FLAT NO.216 E, NH-
66, THONDAYAD BYPASS, CALICUT-673014.
- 19 MOHAMMED NIHAL,
AGED 24 YEARS
S/O.MOHAMMED ALI, PALATHINGHAL HOUSE, PATTAMBI,
PALAKKAD-679303.
- 20 THARUN SUDEEP,
AGED 23 YEARS
S/O. SUDEEP K.R., FRIEND'S CASTLE, 11TH CROSS,
UDAYANAGAR, POONKUNNAM, THRISSUR-680003.
- 21 M.VISHAK ROY,
AGED 24 YEARS
S/O. S.N.ROY KUMAR, MUTHUPALACKAL (H), PERINGASSERY
P.O., PERINGASSERY, THODUPUZHA, IDUKKI-685595.
- 22 IRFAN T.P.
AGED 25 YEARS
S/O. MUHAMMED T.P., THAZHE PAIKAT HOUSE, THIRUVALLUR
POST, VATAKARA, KOZHIKODE-673541.
- 23 VIGNESH C. SATHEESH,
AGED 24 YEARS
S/O. V.P.SATHEESAN, SAPNA'S KARA, ANNUR P.O.,
PAYYANNUR, KANNUR-670307.
- 24 GAIN BABU,
AGED 24 YEARS
S/O. HARISH BABU, POKKILAKATH HOUSE, KURUVILASSERY
P.O., VALIYAPARAMBU, MALA, THRISSUR-680732.
- 25 AARSHA PRAKASH,
AGED 24 YEARS
D/O. PRAKASAN M., SREELAKAM (H), EDACHERI P.O.,
VATAKARA (VIA), KOZHIKODE-673502.

- 26 ABHINAND BABU,
AGED 25 YEARS
S/O. BABU P., PILAVULLATHIL (H), KALPATHUR P.O.,
MEPPAYAR VIA, KOZHIKODE-673424.
- 27 ASHIN MOHAMED F.,
AGED 24 YEARS
S/O. FAZILUDEEN, AL-AMAN MANZIL, MARKET JUNCTION,
ANCHAL P.O., KOLLAM-692306.
- 28 HAROON AL RASHEED,
AGED 26 YEARS
S/O. P.S.RASHEED, PUTHENTHOPPIL HOUSE,
THALAYOLAPARAMBU P.O., VAIKOM, KOTTAYAM-686605.
- 29 SHEBIN R.,
AGED 26 YEARS
S/O. M.RASHEED, SHAFEEK MANZIL, PALLIMON P.O.,
KOLLAM-691576.
- 30 MUHAMMED YASEEN MUSLIAR,
AGED 25 YEARS
S/O. NAJIMUDEEN S., SHAFI MANZIL, T.K.M.C.P.O.,
KARIKODE, KOLLAM-691005.
- 31 MUHAMMED BIN ANSAR,
AGED 27 YEARS
S/O. T.M.ANSAR, NOOR PALACE, ADHITHYA NAGAR-74,
MADANNADA, VADAKKEVILA P.O., KOLLAM-691010.
- 32 SAGAR GIREESH,
AGED 28 YEARS
S/O. O.I.GIREESH, ORATHEL HOUSE, KOOVAKANDAM P.O.,
POOMALA, IDUKKI-685588.
- 33 SULTHAN JAZEEL ASLAM SHA S.,
AGED 25 YEARS
S/O. KOYA KIDAVE B.C, SHANIVAS HOUSE, AMINI ISLAND,
U.T. OF LAKSHADWEEP -682552.
- 34 MERVIN CARMEL GEORGE,
AGED 23 YEARS
D/O. BIJU CARMEL GEORGE, CARMEL, NR. HIGH SCHOOL
JN., KOTTARAKKARA P.O., KOTTARAKKARA-691506.
- 35 SANDEEP MOHANAN,

AGED 26 YEARS
S/O. MOHANAN, MOHANALAYAM, PANAPPETTY, PORUVAZHY
P.O., KOLLAM-690520.

36 THUSHAR S. KARUN,
AGED 27 YEARS
S/O. SURESHKUMAR P.K., ASWATHY, TC-2/1290, PMRAC 58,
ARYA CENTRAL SCHOOL LANE, PATTOM,
THIRUVANANTHAPURAM-695004.

37 ASWIN JITH N.K.,
AGED 24 YEARS
S/O. SREEDHAR N.K., NECHIKATTU KUNDIL, KUTTOOR NORTH
P.O., A.R.NAGAR, MALAPPURAM.

38 VISHNU M.,
AGED 25 YEARS
S/O. MURALEEDHARAN P., VISHNU VIHAR, THURAVOOR P.O.,
ANGAMALY-683572.

39 PRANOY PRADEEP,
AGED 24 YEARS
S/O. PRADEEP M.C., CHERINGAL (H), CHERATTUKUZHI,
DOWN HILL P.O., MALAPPURAM-676519.

40 SALIN SOMARAJ
AGED 25 YEARS
S/O. SOMARAJAN R.S., PANAMUTTATHU VEEDU,
KIZHAKETHERUVE P.O., KOTTARAKKARA, KOLLAM-691531.

41 MELVI EDVI,
AGED 24 YEARS
S/O. K.V.EDVI, KOLLANNUR HOUSE, AKATHIYOOR P.O.,
PAREMPADEM, KUNNAMKULAM, THRISSUR-680519.

42 T.S.KEERTHI,
AGED 25 YEARS
D/O. SHANMUGHAN T.C., THANİYATH HOUSE, ROSE LANE,
PURANATTUKARA P.O., THRISSUR-680551.

43 SREYA P.P.,
AGED 24 YEARS
D/O. SOMAN P.P., BALASOUDHAM, CHAKKERIKKAD VALIYAKAD
PARAMBU, ARAKKINAR P.O., CALICUT-673028.

44 KARTHIK SASIDHARAN A.,

- AGED 24 YEARS
S/O. P.K.SASIDHARAN, KEERTHANA, PUTHUPPARIYARAM
P.O., PALAKKAD-678731.
- 45 ANUPAMA A.,
AGED 24 YEARS
D/O. ANILKUMAR G.S., F11/146, KSHB COLONY, MEDICAL
COLLEGE P.O., CALICUT-673008.
- 46 ALIYA ABDUL GAFOOR C.,
AGED 25 YEARS
D/O. ABDUL GAFOOR C., CHEMBAN HOUSE, IRUMBUCHOLA, AR
NAGAR P.O., MALAPPURAM-676305
- 47 MUHAMMED ASLAM K.,
AGED 30 YEARS
S/O. ABDUL SALAM K., KONDENGADAN HOUSE,
PULLIYILANGADI, ANAKKAYAM P.O., MALAPPURAM-676509.
- 48 AFRIDI AFSAL,
D/O. AFSAL M. IBRAHIM, PRABHATHAM, THEKKEVILA P.O.,
KOLLAM, KERALA-691016.
- 49 RAHANUMA NOWSHAD,
D/O. NOWSHAD AHMED, CHATHUNTAKAYIL HOUSE,
PUTHUMANASSERY, P.O.PAVARATTY, PIN-680507.
- 50 SAMANTHA ANNIE KOSHY,
AGED 23 YEARS
S/O. DR.SUNIL JOHN KOSHY, KARIPAL HOUSE, RUBBER
BOARD P.O., KOTTAYAM DISTRICT-686009.
- 51 ALVIN ANAND D.F.,
S/O. FREEDAJASMIN, SWAMIESMARAKAM, VAZHUTHOOR,
NEYATTINKARA P.O., THIRUVANANTHAPURAM DISTRICT-
695121.
- 52 RINNA CELINE ROBERT,
AGED 23 YEARS
D/O. T.ROBERT GOMEZ, RENJU BAGH, HOUSE NO.D6,
T.C.34/683-1, BEACH P.O., THIRUVANANTHAPURAM-695007.
- 53 ESWIN ROS SARTHU,
AGED 26 YEARS
D/O. JOSEPH SARTHU C.S.,

CHENNACKATTUKUNNEL HOUSE, PALLIPADY, PARATHODE P.O.,
KANJIRAPPALLY, KOTTAYAM DISTRICT, PIN-686512.

- 54 MERRIN MATHEW,
AGED 24 YEARS
D/O. P.D.MATHEW, PARAYIL GNP.77, MANAMOOLA ROAD,
PEROORKADA, THIRUVANANTHAPURAM, PIN-695005.
- 55 SARA BIJU GEORGE,
AGED 24 YEARS
D/O. BIJU GEORGE, REDEEM, CHURULUKUZHIYIL HOUSE,
MEENATHALAKARA, MANJADI PO, THIRUVALLA,
PATHANAMTHITTA DISTRICT, KERALA, PIN-689105.
- 56 ABHIRAM KRISHNA K.V.,
AGED 26 YEARS
S/O. RATHEESAN K.V., KOYILOTH VAYALIL HOUSE,
PUTHUPPANAM P.O., VADAKARA, PIN-673105.
- 57 AJMALA K.P.V.,
AGED 25 YEARS
D/O. HYDER ALI K.I., KUNHIPAPPADA VALIYAN HOUSE,
KALPENI ISLAND, U.T. OF LAKSHADWEEP, PIN-682557.
- 58 TAMO SAMBYO,
AGED 25 YEARS
MEDICAL COLONY, KHANSA P.O., TINOP DISTRICT,
ARUNACHAL PRADESH, PIN-792130.
- 59 Z.D.LALNUNSANGA,
AGED 26 YEARS
S/O. Z.D.NGURHNEMA, H.NO.ZA-3711, ZOTLAY, AIZAWL,
MIZORAM, PIN-796009.
- 60 DEVI MURALY,
AGED 26 YEARS
D/O. MURALEEDHARAN D., KULIRMA, TRINITY VILLA NO.15,
MUKKOLAKKAL P.O., KUDAPANAKUNNU, THIRUVANANTHAPURAM,
PIN-695043.
- 61 ANANDHU VIJAYAN,
AGED 25 YEARS
S/O. K.VIJAYAN, ULOO, ASWATHY GARDENS, MENAMKULAM,
KAZHAKUTTOM, TRIVANDRUM, PIN-695301.

- 62 GOKUL MENON,
AGED 24 YEARS
S/O. ARUN K., MRA-26, PRARDHANA, MADATHUVILA LANE,
MEDICAL COLLEGE P.O., TRIVANDRUM, PIN-695011.
- 63 ASHIK ANILKUMAR,
AGED 24 YEARS
S/O. ANILKUMAR M.S., MOHAN BHAVAN HOUSE,
AMBIKAMARKET P.O., VAIKOM, KOTTAYAM, PIN-686144.
- 64 SANJAY V.S.,
AGED 25 YEARS
S/O. SASEENDRAN V.G., VADAKKEDATH, KALARIKKAL P.O.,
PERINJANAM, PIN-680686.
- 65 FEBIN DAS,
AGED 24 YEARS
S/O. SIVADAS, FEGI NIVAS, NEAR G M U P SCHOOL,
KONDOTTY P.O., MALAPPURAM, PIN-673638.
- 66 RESHMA THULASEEDHARAN PILLAI,
D/O. R.THULASEEDHARAN PILLAI, THULASEETHARPAN, TC
10/1713(2), CKRA 84, MARANTHALA.
- 67 PRIYAMVATHA R.A.,
AGED 24 YEARS
D/O. K.REMANAN, NIRMALA BHAVAN, MARANADU P.O.,
KARUVELIL, EZHUKONE, KOLLAM DISTRICT, PIN-691505.
- 68 ASWATHY K. SIVADAS,
AGED 24 YEARS
D/O. SIVADASAN K., 5/1650 GITHANJALI, S V COLONY,
CALICUT-673006.
- 69 AHAMMED N.M.,
AGED 25 YEARS
S/O. HABID N.M., PALMS, KARASSERY P.O., MUKKOM,
CALICUT, PIN-673602.
- 70 DITHU KRISHNA D,
AGED 25 YEARS
S/O. DILEEP KUMAR, VISHNU BHAVAN, KALLARA, KALLARA
P.O., THIRUVANANTHAPURAM, KERALA, PIN-695608.

- 71 ASHNA SIVADAS C.,
AGED 23 YEARS
D/O. C.SIVADASAN, SANKEERTHANAM HOUSE, 31/421 C.,
MAYANAD P.O., KOZHIKODE DISTRICT-673008.
- 72 SANJANA S. NAIR,
AGED 25 YEARS
D/O. SURESH KUMAR, SOORYANJANAM HOUSE, PIRAYATTU
LINE, PEROOR, KARYAVATTOM P.O., THIRUVANANTHAPURAM-
695581.
- 73 FARAS SHAH AHMED K.C.,
AGED 25 YEARS
S/O. AHAMMED SHAFI K.C, UPASANA, KANNAMANGALAM WEST
P.O., THOTTASSERIYARA, THIRURANGADI, MALAPPURAM,
PIN-676305.
- 74 RISVIN N.S.,
AGED 25 YEARS
S/O. NAHAS U.M., PUTHANPURACKAL HOUSE, PERUKAVU
P.O., THIRUVANANTHAPURAM, PIN-695573.
- 75 VISHNU P.,
AGED 24 YEARS
S/O. INDRAKUMAR P., VAISHNAVAM HOUSE, KAYILIAD ROAD,
KULAPPULLY, SHORANUR-2, PIN-679122.
- 76 AYISHA JUMANA,
AGED 24 YEARS
D/O. KOYA, POTHYIIL THOTTIPPARAMBIL HOUSE,
KARINKALLATHANI, CHETHALLUR P.O., MANNARKKAD,
PALAKKAD DISTRICT, PIN-678583.
- 77 NOORA NAZAR,
AGED 25 YEARS
D/O. NAZAR, NOOR MAHAL, K S PURAM P.O., NEELIKULAM,
KARUNAGAPALLY, PIN-690528.
- 78 DIVYA BABY,
AGED 24 YEARS
D/O. BABY KUMARAN, PANJAJANYAM, AVALUKUNNU P.O.,
PIN-688006.
- 79 NEEMA SARA SAYED,
AGED 26 YEARS
D/O. MOHAMMED ALI SAYED, PERA-142,

PULIKILLAM EAST ROAD, CHEMBUMUKKU,
KAKKANAD, KOCHI, PIN-682021.

- 80 NAVEEN K.,
AGED 24 YEARS
NAVROZE VILLA, B-STREET, MANANTHAVADY, WAYANAD,
KERALA, PIN-670645.
- 81 NAVEEN J.,
AGED 25 YEARS
S/O. DR. JYOTHI IGNATIOUS, NEST HOUSE, NEDUNGOLAM,
PARAVUR, PIN-691334.
- 82 DANEESH KRISHNA P.B.,
AGED 26 YEARS
S/O. DR. BHAVAN SANKAR P.S., PULIKKAL HOUSE, PALACE
ROAD, CHALAKUDY P.O., THRISSUR, PIN-680307.
- 83 SHABEER AHAMMED K.,
S/O. MOHAMED HASSAN K., KIZHAKKAM, KUNNATH HOUSE,
PIN-676104.
- 84 ANANTHAN SANTHAKUMAR,
AGED 26 YEARS
S/O. SANTHAKUMAR K., USHUS, OLD JETTY ROAD,
KOTTAYAM, KERALA, PIN-686001.
- 85 EBIN VARGHESE,
AGED 24 YEARS
S/O. O.E.VARGHESE, ODOLIL HOUSE, PERINGOLA,
KOLENCHERY P.O., ERNAKULAM, PIN-682311.
- 86 ASWIN PAUL MAZHAVANCHERY PARAMBATH JACOB,
AGED 25 YEARS
S/O. DR. BIJU ITTIMANI, MAZHAVANCHERY PARAMBATH
HOUSE, KAIRALI NAGAR, KURUPPAL LANE, THRISSUR,

PIN-680005.
- 87 MOHAMMED ABDULLA,
AGED 26 YEARS
S/O. FAVAS UMMER, ETTILAN HOUSE, THACHAMPPARAMBA,
MAITHRA POST, AREACODE VIA, MALAPPURAM DISTRICT-
673639.

- 88 NIHAL HABEEB,
AGED 24 YEARS
S/O. HABEEB MOHAMMED, RABIA MAHAL, JUBILEE ROAD,
THALASSERY, KANNUR DISTRICT-670102.
- 89 JADEER ALI U.K.,
AGED 26 YEARS
S/O. KABEER U.K., DUA HOUSE, KARIMBANA HOUSE,
ESWARAMANGALAM P.O., PONNANI, MALAPPURAM DISTRICT-
679573.
- 90 HARI KRISHNAN C.,
AGED 25 YEARS
S/O. SUBHASH KUMAR C., CHATTOTHAYIL HOUSE,
ERAMANGALAM P.O., MALAPPURAM DISTRICT-679587.
- 91 RUKKSANA KARIM,
AGED 26 YEARS
D/O. V.A.ABDUL KARIM, NIHAR HOUSE, NEAR ARS FARM,
KODAPUZHA, CHALAKUDY P.O., THRISSUR DISTRICT-
680307.
- 92 DEEPIKA DINESH,
AGED 26 YEARS
D/O. DINESAN M., SREESHYLAM HOUSE, C.H.MUKKU,
PINARAYI P.O., KANNUR DISTRICT-670741.

BY ADVS.
S.SREEKUMAR (SR.)
MANOJ RAMASWAMY

RESPONDENTS:

- 1 KERALA UNIVERSITY OF HEALTH SCIENCES
THRISSUR-680596, REPRESENTED BY ITS REGISTRAR.
- 2 THE VICE CHANCELLOR,
KERALA UNIVERSITY OF HEALTH SCIENCES, THRISSUR-
680596.

3 THE CONTROLLER OF EXAMINATIONS,
KERALA UNIVERSITY OF HEALTH SCIENCES, THRISSUR-
680596.

4 THE CHAIRMAN,
GRIEVANCE CELL, KERALA UNIVERSITY OF HEALTH
SCIENCES, THRISSUR-680596.

BY ADV SHRI.P.SREEKUMAR, SC, KERALA UNIVERSITY OF
HEALTH SCIENCES

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21.03.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

JUDGMENT

The petitioners are students who had pursued their MBBS course from various Colleges affiliated with the Kerala University of Health Sciences (KUHS). They have approached this Court contending that the question papers set for the Third Professional MBBS Degree Part-II Supplementary Examination in General Medicine Paper-I and General Medicine Paper-II held on 22.11.2021 and 24.11.2021 were not in conformity with the Examination Manual and as per the prescriptions in the Syllabus and Model Questions issued by the University. Their prayer in this writ petition are as follows:

- i) A Writ of mandamus or other appropriate writ order or direction directing the respondents to rectify the discrepancies occurred in Exhibit P7 and Exhibit P8 Question Papers by awarding adequate grace marks to the petitioners in respect of General Medicine Paper- 1 & II in Third Professional MBBS Degree Part-II Supplementary Examinations.
- ii) Declare that the petitioners have passed the General Medicine Paper- 1 & II in Third Professional MBBS Degree Part-II Supplementary Examinations by awarding necessary grace marks.
- iii) A Writ of mandamus or other appropriate writ order or direction directing the respondents to examine the serious allegations made by the petitioners in their petitions and Exhibit P13 and Exhibit P17

representations and take appropriate necessary action on the basis of a proper enquiry on the same.

- iv) A Writ of mandamus or other appropriate writ order or direction directing the 2nd respondent to consider and pass orders on Exhibit P14 as expeditiously as possible within a time frame as fixed by this Hon'ble Court.

2. According to the petitioners, as per Ext.P9 Examination Manual, the question paper setters have to ensure that the questions set by them are of the same pattern and standard and they are to ensure that the Question Paper Code is followed by them as in the model question paper supplied by the University. It is contended that in Ext.P10 Model Question Paper with respect to General Medicine Paper-I, the topics included are CVS (Cardiovascular System), CNS (Central Nervous System), GIT (Gastrointestinal Tract), Renal, Fluid & Electrolyte Balance, Genetics and Nutrition. Insofar as General Medicine Paper II is concerned, as is evident from Ext.P11, the topics prescribed would include Dermatology, Psychiatry and Radio Diagnosis. It is contended that in Ext.P12 syllabus recommended for the courses, it is prescribed that the topics shall be problem-oriented and structured questions must be from General Medicine. It is also stipulated that there shall not be more than one question each from Radiology, Dermatology and Psychiatry.

However, in blatant violation of the conditions in Ext.P12 syllabus, 7 questions were asked from Dermatology and Psychiatry alone. The petitioners have specifically pointed out in para 7 & 8 of the writ petition that the questions asked in General Medicine Paper-I and II are discrepant and blatantly infringes Exts.P9 to P12.

3. It is contended that due to the above discrepancy, many students including the petitioners failed in the MBBS Degree Supplementary examination and the pass percentage was very low. It is contended that the entire pass percentage for the MBBS course in the current year is only 49% which when compared to the previous years is very low. It is also stated that if the 1st petitioner had secured more than one mark in the General Medicine Paper, he would have passed the course. Immediately after the exams, separate representations were filed by the University Union as well as the students. However, the respondents refused to take remedial measures. It is on the above contentions that the petitioners have approached this Court seeking redressal of their grievance.

4. In the statement filed by the University, it is stated that the Question

Paper Setters are appointed by the Controller of Examinations for the subjects concerned out of panels prepared based on recommendations of the Board of Studies. The panel of Question Paper Setters are approved by the Board of Examinations. The qualifications and norms of the Question Paper Setters are recommended by the Academic Council and approved by the Governing Council. Further, Question Paper Scrutinizers are appointed by the Controller of Examinations for each subject to verify whether the Question Papers are set as per the Syllabus and the scheme of examinations. In the case on hand, the scrutinizers appointed by the Controller of Examinations had scrutinized the General Medicine Paper-I and II and have reported that there is no discrepancy in the papers. In addition to the above, Nodal Officers for each examination and Subject Experts are appointed for pointing out any mistakes or corrections required in each question paper on the date of examination. If by chance or oversight any mistake is found, the same is dealt with on the date of the examination itself, prior to the commencement of the examination. It is for the above purpose that the question papers are permitted to be printed and issued to the students sufficiently in advance to enable the examiners to commence the examination at the fixed time itself. In

such cases, additional time is granted to the students if any discrepancy is noted. No complaint was received from the Nodal Officers with regard to the General Medicine Paper-I and II. When representations were received from the College Union as well as the students, opinion was sought from the subject expert and they have stated that the grievances raised by the students are without basis.

5. In the statement, it is asserted that a strict demarcation of subjects cannot be carried out insofar as the General Medicine paper is concerned, the same being a vast subject, touching all branches of medical science. It is only to cover the whole gamut of the subject that the examination has been split up into two papers of 3 hours duration. The entire subject is taught at different levels during the span of the entire course but the examination is held only in the final year. The examinations were held on successive days and a Final Year student is expected to answer the questions which were all taken from the prescribed textbooks and clearly within the prescribed syllabus. The subject expert, after considering the grievances of the students, has reported that there cannot be any clear topic demarcation in the syllabus

for Paper I and Paper-II. The University has also sought the opinion of the Chairperson of the Board of Studies and the said authority has also seconded the opinion of the subject expert. The inclusion of the topic pertaining to the subjects of Psychiatry, Dermatology, or STD in Paper-II only means that questions from the said topic should compulsorily be asked in Paper-II. That does not mean that questions that are remotely linked to the above topics shall not be asked in Paper-I. The University has denied the contention of the petitioners that mass failure had occurred due to the discrepancy in the setting of questions. It is stated that the pass percentage of combined regular and supplementary examination results of the 2016 admission candidates is 0.11% more than that of 2015 admission candidates. It is stated that as per the regulations 2016 brought out by the KUHS for the M.B.B.S course, the maximum grace marks that can be given to a student for an examination at the discretion of the Pass Board is Five Marks for a student to pass one subject, provided the student has passed in all other subjects in that particular examination. The 1st petitioner required 6 more marks to secure a pass and hence his contention that if he had secured one more mark, he would have passed the exam is not correct.

6. I have heard the submissions of Sri. S. Sreekumar, the learned Senior Counsel appearing for the petitioners as instructed by Sri. Manoj Ramaswamy and Sri P. Sreekumar, the learned Standing Counsel who appeared for the KUHS.

7. The petitioners are 2016 batch students and they have all completed their Final year MBBS course. However, as they had failed the General Medicine Paper-I and II regular examinations, they applied for and appeared for the Supplementary Examinations which were held on 22.11.2021 and 24.11.2021. When the results were published on 22.01.2022, they failed to secure pass marks.

8. The petitioners contend that the question paper for general Medicine Paper-I and II are discrepant in so much as the same was formulated in total violation to the prescription in Exhibit P9 Examination Manual and Exhibit P12 Syllabus.

9. In Exhibit P9 Examination Manual, it has been stated that the question paper setters must ensure that the questions set by them are of the

same pattern and standards including the Question Paper Code are to be followed by them as in the model question paper supplied by the University. The contention of the petitioners appears to be that the University did not ensure that the topics asked in Paper-I and Paper-II were in tune with the model question papers. In Exhibit P10 model question paper, the topics have been mentioned as CVS, CNS, GIT, Renal, Fluid & Electrolyte Balance, Genetics and Nutrition and in Exhibit P11 the topics have been mentioned as General Medicine including Dermatology, Psychiatry and Radio Diagnosis. They also contend by referring to Exhibit P12 that only one question shall be asked on Basic Sciences and allied subjects for General Medicine Part-I.

10. I find it difficult to accept the contention advanced by the petitioners. The fact that the petitioners are Final year MBBS students cannot be overlooked. They joined the MBBS Course in 2016 and it was after they had failed in the Regular Examinations, that they had applied for the Supplementary Examinations held on 22.11.2021 and 24.11.2021. General medicine is a vast topic and without doubt a tough subject. From the Examination Manual produced by the petitioners, it is apparent that the

composition of the question papers shall have a mixture of questions of different complexity levels. About 50 to 60% are to be questions which can be answered by an average student, about 20% to 30% are to be of intermediate level and advanced level questions should be about 10% to 20%. A student who has reached the final year of the medical course is expected to have an overall idea of the subject, which can easily be termed as the core subject. From the syllabus placed before this Court, it is apparent that portions are taught from the first year onwards so that the student gets an overall knowledge of the ailments affecting the human body. There cannot be a strict separation of topics insofar as General Medicine is concerned as one medical disorder can affect various organs and present itself in various manifestations. For instance, Diabetes Mellitus is an endocrine disorder but it can affect all the systems of the body like the kidney, eyes, nerves, skin etc.

11. The petitioners have given a list of questions in paragraph No. 7 of the writ petition to bring home the point that the majority of the questions in Paper-I in Ext.P7 do not ascribe to the topics indicated in the model question produced as Ext.P10. The petitioners have highlighted question No.2 to

contend that Diabetic Ketoacidosis belongs to the topic of Endocrinology, (Endocrinology refers to the branch of medicine that deals with hormones and endocrine glands) and the same cannot be asked in Paper-I. According to them, questions having anything to do with Endocrinology have not been asked in Ext.P10 model question paper. I am afraid that the contention so raised is way off the mark. The essay question No. 2 carrying 20 marks in the model question paper reads thus:

2. 45 years old male with polyuria and polydipsia came with fasting and post prandial sugar reports of 140 and 240 mg/dl, respectively. Answer the following:

What is your diagnosis?

Describe the diagnostic criteria for this condition?

What dietary and exercise advice you will give him?

Discuss the management?

This question would fall within the topic of Endocrinology. The same is the case with Question No. 17 and Question No.19 in the short note section in Ext.P10. Furthermore, I also find that in Ext.P17 representation submitted by the University Union, it is stated in clear terms that in the General Medicine

paper, there is no clear syllabus distribution.

12. The petitioners in their eagerness have attempted to highlight that one question concerning one ailment should have been asked only in Paper-I and not in Paper-II and vice versa. I am afraid that such differentiation cannot be made when it concerns the final year examination of a medical student, particularly in respect of the General Medicine Paper. Exams were held in two parts, one day apart, and it is difficult to comprehend that the students were taken back when some overlapping, as contended by them, occurred. As is asserted by the University, the syllabus does not exclude the inclusion of questions pertaining to the subjects of Psychiatry, dermatology or STD in Paper I, but on the other hand, it can only mean that the students should expect that questions from those topics shall definitely be included in Paper-II. At any rate, this Court cannot sit in judgment over the decisions of an academic body in so far as it sets the questions for a subject, particularly when this Court has no domain expertise in these matters. The petitioners have not been able to point out any blatant violation of the statutory provisions, Rules, Regulations or Guidelines.

13. The materials placed before this Court reveals that a foolproof procedure is followed by the University while selecting the panel of Question Paper Setters. Experts in the field are employed based on recommendations of the Board of Studies and by the Board of Examinations. The material also discloses that the University appoints paper scrutinizers to verify whether the papers are set as per the syllabus. It is not the domain of the Courts to trench in the academic pasture and pick holes therein. It has been held by the Apex Court that Courts should be averse to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to the opinion of experts in the field.

14. In **Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth** [(1984) 4 SCC 27] it was observed thus: (SCC pp. 56 & 57, para 29)

“29. ... the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them.”

15. In **All India Council for Technical Education v. Surinder Kumar Dhawan** [(2009) 11 SCC 726] this Court held: (SCC p. 732, paras 16 & 17)

“16. The courts are neither equipped nor have the academic or technical background to substitute themselves in place of statutory professional technical bodies and take decisions in academic matters involving standards and quality of technical education. If the courts start entertaining petitions from individual institutions or students to permit courses of their choice, either for their convenience or to alleviate hardship or to provide better opportunities, or because they think that one course is equal to another, without realising the repercussions on the field of technical education in general, it will lead to chaos in education and deterioration in standards of education.

17. The role of statutory expert bodies on education and the role of courts are well defined by a simple rule. If it is a question of educational policy or an issue involving academic matters, the courts keep their hands off. If any provision of law or principle of law has to be interpreted, applied or enforced, with reference to or connected with education, the courts will step in.” (emphasis supplied)

16. In **University Grants Commission v. Neha Anil Bobde**, [(2013) 10 SCC 519], it was observed as follows:

31. We are of the view that, in academic matters, unless there is a clear violation of statutory provisions, the regulations or the notification issued, the courts shall keep their hands off since those issues fall within the

domain of the experts. This Court in *University of Mysore v. C.D. Govinda Rao* [AIR 1965 SC 491] , *Tariq Islam v. Aligarh Muslim University* [(2001) 8 SCC 546] and *Rajbir Singh Dalal v. Chaudhary Devi Lal University* [(2008) 9 SCC 284], has taken the view that the court shall not generally sit in appeal over the opinion expressed by the expert academic bodies and normally it is wise and safe for the courts to leave the decision of the academic experts who are more familiar with the problem they face, than the courts generally are.....”

17. I bow down to the guiding principles laid down by the Hon'ble Supreme Court in the decisions above.

I find no reason to grant the reliefs prayed for. This petition will stand dismissed. No costs.

Sd/-

**RAJA VIJAYARAGHAVAN V
JUDGE**

APPENDIX OF WP(C) 5340/2022

PETITIONERS' EXHIBITS:

- Exhibit P1 TRUE COPY OF THE NOTIFICATION DATED 2.11.2021 ISSUED BY THE 3RD RESPONDENT.
- Exhibit P2 TRUE COPY OF THE ADMIT CARD ISSUED TO THE 1ST PETITIONER.
- Exhibit P3 TRUE COPY OF THE ADMIT CARD ISSUED TO THE 17TH PETITIONER.
- Exhibit P4 TRUE COPY OF THE ADMIT CARD ISSUED TO THE 25TH PETITIONER.
- Exhibit P5 TRUE COPY OF THE ADMIT CARD ISSUED TO THE 27TH PETITIONER.
- Exhibit P6 TRUE COPY OF THE ADMIT CARD ISSUED TO THE 84TH PETITIONER.
- Exhibit P7 TRUE COPY OF THE QUESTION PAPER FOR GENERAL MEDICINE PAPER-I IN THIRD PROFESSIONAL MBBS (PART II) DEGREE SUPPLEMENTARY EXAMINATIONS NOVEMBER, 2021.
- Exhibit P8 TRUE COPY OF THE QUESTION PAPER FOR GENERAL MEDICINE PAPER-II IN THIRD PROFESSIONAL MBBS (PART II) DEGREE SUPPLEMENTARY EXAMINATIONS NOVEMBER, 2021.
- Exhibit P9 TRUE COPY OF THE EXAMINATION MANUAL (RELEVANT PORTION).
- Exhibit P10 TRUE COPY OF THE MODEL QUESTION PAPER WITH RESPECT TO GENERAL MEDICINE PAPER-I.
- Exhibit P11 TRUE COPY OF THE MODEL QUESTION PAPER WITH RESPECT TO GENERAL MEDICINE PAPER-II.
- Exhibit P12 TRUE COPY OF THE SYLLABUS ISSUED BY THE RESPONDENT- UNIVERSITY (RELEVANT PORTION).

- Exhibit P13 TRUE COPY OF THE REPRESENTATION DATED 8.12.2021 BEFORE THE 3RD RESPONDENT.
- Exhibit P14 TRUE COPY OF THE REPRESENTATION DATED 28.1.2022 BEFORE THE 2ND RESPONDENT.
- Exhibit P15 TRUE COPY OF THE NEWS ITEM REPORTED IN MALAYALA MANORAMA DAILY DATED 24.11.2021.
- Exhibit P16 TRUE COPY OF THE NEWS ITEM REPORTED IN MALAYALA MANORAMA DAILY DATED 25.11.2021.
- Exhibit P17 TRUE COPY OF THE REPRESENTATION DATED 3.2.2022 SUBMITTED BEFORE THE 3RD RESPONDENT.
- Exhibit P18 TRUE COPY OF THE SYLLABUS ISSUED BY THE RESPONDENT -UNIVERSITY
- Exhibit P19 TRUE COPY OF THE NOTIFICATION VIDE NO.2021/26747/1/EX MED B4 DATED 21/10/2021 ISSUED BY THE RESPONDENT UNIVERSITY.
- Exhibit P20 TRUE COPY OF THE EXAMINATION RESULTS OF THE 1ST PETITIONER FOR THE PREVIOUS YEARS.

RESPONDENTS' EXHIBITS:

NIL