
(2022) 11 KL CK 0311
In the High Court Of Kerala
Case No : Writ Petition (C) No. 38239 Of 2022

Naima O.P

APPELLANT

Vs

National Commission For Indian Systems Of Medicine
(NCISM)

RESPONDENT

Date of Decision : 28-11-2022

Acts Referred:

Citation : (2022) 11 KL CK 0311

Hon'ble Judges : Devan Ramachandran, J

Bench : Single Bench

Advocate : B.S.Sivaji, Dhanya Sreenivasan, P.Sreekumar, S.Manu

Final Decision : Allowed

Judgement

Devan Ramachandran, J

1. It is without contest – both sides unequivocally admitting – that the issues in this case - both factual and legal - have been answered by this Court in the judgment in W.P.(C) No.38053/2022 and connected cases.

2. Sri.Sivaji B.S. - learned counsel for the petitioners, asserts that his clients are identically situated as the petitioners in the aforementioned judgment.

3. In the afore circumstances, I am certain that the petitioners herein are also entitled to the same relief granted to those who had obtained the judgment in W.P.(C) No.38053/2022 and connected cases.

Resultantly, I allow this writ petition with the following directions:

a. The petitioners will be allowed to write the Third Professional BAMS Degree supplementary (2016 scheme) November 2022, as a one time measure and without making it a precedent for any other reason; however, on condition that their results will be published only after they clear the First and Second Phase of the said Course.

b. I clarify that I have not spoken about the rights of the NCISM to issue any orders or instructions to the University or to the petitioners on the basis of their applicable Regulations; and all such are left open, concomitant by reserving legally available rights to the petitioners, to deal with any such.

After I dictated this part of the judgment, Sri.P.Sreekumar – learned Standing Counsel for the KUHS, submitted that it may be clarified that if the petitioners do not clear the First and Second Phases in terms of the liberty granted afore, the Third Phase Examinations taken by them would stand cancelled. I do not propose to make an affirmative declaration to such effect, but leave it to the KUHS to take an appropriate decision on this, at the relevant time.