

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A.NOS.11-16, 21 & IN CIVIL APPEAL NO(s). 2846 OF 2007

STATE OF KERALA & ORS. Appellant (s)
VERSUS
MANAGER MALANKARA O.S.C.MEDICAL COLLEGE Respondent(s)

(With appln(s) for impleadment,directions,permission to place
addl. documents and office report)

WITH
I.A.NOS.4-8, 10 & IN Civil Appeal NO. 2850 of 2007
(With appln. for direction and modification/clarification of
court's order dated 26.8.2008 and permission to file addl.
documents and impleadment and office report)

Date: 12/07/2010 This Appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE H.L. GOKHALE

For Appellant(s) Mr. P.V. Dinesh,Adv.

For Respondent(s) Mr. S. Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Mr. Tarun Satiya, Adv.
for M/S. Lawyer'S Knit & Co,Adv.

Mr. Ranjit Kumar, Sr. Adv.
Mr. Romy Chacko ,Adv
Mr. Jogy Scaria, Adv.
Mr. Jasaswini Mishra, Adv.

Mr. Ranjith K.C. ,Adv

Mr. Bhavanishankar V. Gadnis, Adv.
Mr. Jogy Scaria ,Adv

Mr. Amarendra Sharan, Sr. Adv.
Mr. Amit Kumar ,Adv
Ms. Rekha Bakshi, Adv.
Mr. Jawahar Lal, Adv.

UPON hearing counsel the Court made the following
O R D E R

The applicant Amala Institute of Medical
Sciences filed I.A. Nos. 11, 12 & 13 for impleadment
and directions. Pending consideration of the
said applications, in view of the urgency expressed
.....2.

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ITEM NO.1 COURT NO.3 DATED 12/7/2010 ...contd.

by the College, this court permitted purely as an
interim measure, 18 students of the said College to
take the examination that was to commence two days
hence (from 28.8.2008) by order dated 26.8.2008
subject to the final outcome and further orders of
this Court making it clear that permission to appear

in the examination will not create any equity in favour of such students and they shall not claim any benefit by reason of such interim orders.

The said students have subsequently filed separate applications (I.As 15 and 16) for being impleaded in the Civil Appeal and application (yet to be registered) praying that direction may be issued for declaration of their results.

The said students have also approached the Kerala High Court in W.P. 34278/2009 for certain reliefs and we are informed that in the said writ petition, the Kerala High Court has granted an interim order permitting them to continue their studies subject to passing the examination.

Learned counsel for the University, the State and the Medical Council of India oppose the applications by the College and the students and submitted that the students have not been pursuing their studies for the last one and a half years and, therefore, the question of extending any relief to them does not arise.

After examining the records, we find that the said College (Amala Institute of Medical Sciences) and its students have nothing to do with the civil3.

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ITEM NO.1 COURT NO.3 DATED 12/7/2010 ...contd.

appeal. If they wanted any relief, they ought to have independently approached the High Court for appropriate relief. In fact, the students have already approached the High Court. This Court's interim order merely permitted them to appear for the examination, without creating any rights as there was only two days time. The question of granting further relief in this proceeding, therefore, does not arise. It is open to the concerned students to pursue the pending writ petition before the High Court for such reliefs to which they may be entitled in law.

All applications (I.As 4 to 8 and 11 to 16) for impleadment and directions by the College and by the students including two unregistered applications (filed by A.J. Molly and Luny Baby) are disposed of as misconceived. All questions raised by the College and the students are left open.

(Ravi P. Verma)
Court Master

(Madhu Sudan)
Court Master