



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

FRIDAY, THE 28TH DAY OF JUNE 2024 / 7TH ASHADHA, 1946

WA NO. 1714 OF 2023

AGAINST THE JUDGMENT DATED 05.01.2023 IN WP(C) NO.18419 OF
2021 OF HIGH COURT OF KERALA

APPELLANT/THIRD PARTY:

ASSOCIATION OF CLINICAL MICROBIOLOGISTS &
BIOCHEMISTS
(REGN.NO.S.376/2007), HAVING ITS OFFICE AT 859-E,
K.B.N.S.S. BUILDING, WAYANAD ROAD, ERANHIPALAM,
KOZHIKODE, PIN- 673006, REPRESENTED BY ITS
PRESIDENT, BINESH C.P., AGED 36 YEARS,
S/O. BALAKRISHNAN C.P.,
RESIDING AT CHALAPOYIL HOUSE, PALAYAD NADA,
VADAKARA P.O., KOZHIKODE, PIN - 673521.

BY ADVS.
THOMAS M.JACOB
T.R.JERRY SEBASTIAN

RESPONDENTS/PETITIONERS & RESPONDENTS:

- 1 AKHIL JAMES,
AGED 24 YEARS
S/O. JAMES A.C., EDATHINATTU HOUSE, KARUKACHAL,
CHAMPAKARA P.O. KOTTAYAM DISTRICT, PIN - 686540.
- 2 ABHIJITH H.
AGED 21 YEARS
S/O.K.B. HARIDAS, ANAND HOUSE, VARTHANAGAR,
KANJIKUZHY P.O. KOTTAYAM DISTRICT., PIN - 686004.
- 3 STATE OF KERALA
REPRESENTED BY SECRETARY TO GOVERNMENT,
HEALTH AND FAMILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN - 695001.



- 4 DIRECTOR OF MEDICAL EDUCATION,
DIRECTORATE OF MEDICAL EDUCATION,
MEDICAL COLLEGE P.O.,
THIRUVANANTHAPURAM, PIN - 695011.
- 5 LBS CENTRE FOR SCIENCE AND TECHNOLOGY,
A GOVERNMENT OF KERALA UNDERTAKING, EXTRA POLICE
ROAD, NANDAVANAM, THIRUVANANTHAPURAM,
PIN - 695033, REPRESENTED BY ITS DIRECTOR.
- 6 KERALA UNIVERSITY OF HEALTH SCIENCES,
MEDICAL COLLEGE P.O. THRISSUR - 680596,
REPRESENTED BY ITS REGISTRAR.

SMT.VINITHA.B. SR.GOV.T.PLEADER

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

SMT.SHAMEENA SALAHUDHEEN, SC, LBS CENTRE FOR
SCIENCE AND TECHNOLOGY

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
25.06.2024, ALONG WITH WA.1715/2023, THE COURT ON
28.06.2024 DELIVERED THE FOLLOWING:



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

FRIDAY, THE 28TH DAY OF JUNE 2024 / 7TH ASHADHA, 1946

WA NO. 1715 OF 2023

AGAINST THE JUDGMENT DATED 05.01.2023 IN WP(C) NO.21963 OF
2020 OF HIGH COURT OF KERALA

APPELLANT/THIRD PARTY:

ASSOCIATION OF CLINICAL MICROBIOLOGISTS &
BIOCHEMISTS (REGN.NO.S.376/2007)
HAVING ITS OFFICE AT 859-E, K.B.N.S.S. BUILDING,
WAYANAD ROAD, ERANHIPALAM, KOZHIKODE,
PIN - 673006, REPRESENTED BY ITS PRESIDENT,
BINESH C.P., AGED 36 YEARS,
S/O. BALAKRISHNAN C.P., RESIDING AT CHALAPOYIL
HOUSE, PALAYAD NADA, VADAKARA P.O.,
KOZHIKODE, PIN- 673521.

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PIN - 686004.



- 3 STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
HEALTH AND FANIILY WELFARE DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001.
- 4 DIRECTOR OF MEDICAL EDUCATION,
DIRECTORATE OF MEDICAL EDUCATION,
MEDICAL COLLEGE.P.O., THIRUVANANTHAPURAM,
PIN - 695011.
- 5 LBS CENTRE FOR SCIENCE AND TECHNOLOGY,
A GOVERNMENT OF KERALA UNDERTAKING, EXTRA POLICE
ROAD, NANDAVANAM, THIRUVANANTHAPURAM - 695033,
REPRESENTED BY ITS DIRECTOR.
- 6 KERALA UNIVERSITY OF HEALTH SCIENCES,
MEDICAL COLLEGE.P.O., THRISSUR - 680596,
REPRESENTED BY ITS REGISTRAR.

SMT.VINITHA.B.- SR.GOV.T.PLEADER

SMT.SHAMEENA SALAHUDHEEN, SC, LBS CENTRE FOR
SCIENCE AND TECHNOLOGY

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

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON
25.06.2024, ALONG WITH WA.1714/2023, THE COURT ON
28.06.2024 DELIVERED THE FOLLOWING:

**A.MUHAMED MUSTAQUE & S.MANU, JJ.**

W.A.Nos.1714 & 1715 of 2023

Dated this the 28th day of June, 2024

JUDGMENT**S.MANU, J.**

These two appeals arise from common judgment passed by learned Single Judge of this Court in W.P. (C)Nos.18419 of 2021 and 21963 of 2020. We are proceeding to dispose of these appeals by a common judgment.

2. Appeals have been filed by a third party. It is a registered association of Clinical Microbiologists and Biochemists.

3. The grievance raised in the writ petition is regarding removal of B.Sc. Medical Biochemistry and B.Sc. Medical Microbiology courses from the prospectus for the academic year 2018-19 published by the Director of Medical Education.



4. The above said courses were being included in the prospectus for admission to professional degree courses and paramedical streams brought out by the Govt. of Kerala from the year 2015-16 onwards. In the year 2017-18 the process of selection and allotment which was earlier entrusted with the Lal Bahadur Shastri Centre for Science and Technology was assigned with the Commissioner for Entrance Examination, Kerala. The Director of Medical Education submitted draft prospectus for 2018-19 academic year for approval of the Government and approval was accorded by a G.O. dated 18.5.2018. In the prospectus B.Sc. Medical Biochemistry and B.Sc.Medical Microbiology were not included.

5. Petitioners in the writ petitions are/were students of the above said courses at the time of filing the writ petition. They approached this Court contending that the removal of their courses from the prospectus of the Government will have far-reaching consequences on their future career. Their apprehension was that the omission of



the courses from the prospectus of the Government will give an impression that their courses are not approved by the Government. They alleged that the decision to remove the courses was taken on irrelevant and extraneous considerations. They pointed out that the reasons offered by the Director of Medical Education to the Government for not including their courses in the prospectus are illogical.

6. The Government resisted the writ petitions before the learned Single Judge. The Government contended that the decision to omit the courses was taken on sound reasoning. It was also contended that the same being a policy decision cannot be interfered with at the instance of students who have already joined/completed the course. These courses are not conducted in any of the Government institutions in Kerala. Further, employment opportunity to those who were graduated in these courses is also not available in Kerala.

7. The learned Single Judge rejected the writ petitions. Learned Single Judge was of the view that the



decision to exclude the courses from the prospectus being a policy decision, scope for judicial review is extremely limited. The learned Judge also found that after joining the courses the petitioners cannot be permitted to challenge the prospectus for admission.

8. We heard the learned Senior Counsel appearing for the appellant, the learned Government Pleader and the respective learned Standing Counsel for the LBS and KUHS.

9. The primary requirement for maintaining a writ petition and seeking issuance of writs is a legal right. In this case we are at a loss to understand the legal right of the appellant to claim any reliefs with respect to omission of the above said courses from the prospectus issued by the Government. The authority authorised by the Government issues prospectus for admission to various courses every year. Which courses are to be included in the prospectus; for which courses the process of admission and allotment are to be undertaken by the Government, etc. are purely matters of policy. As rightly found by the learned Single



Judge scope of interference in such policy decisions while exercising the power of judicial review is very limited. Of course, policy decisions are not totally immune from judicial review. However, for interference in policy matters there are well defined grounds. We do not find any such grounds calling for interference in these cases. As pointed out above there cannot be a case for the appellant that any of their fundamental or legal rights have been infringed on account of the non-inclusion of the courses in the prospectus issued by the official respondents. So also it is to be noted that the petitioners in the writ petitions who were undergoing/had completed the course cannot have any right to seek interference with a prospectus issued for a subsequent academic year. The association which has filed the appeals also has no legal right to seek inclusion of the two courses in the prospectus issued by the Government. We are also of the view that the apprehension regarding the recognition of the courses raised by the appellant is misconceived. For a course which is otherwise having



approval of the concerned University or Apex body, the mere inclusion or exclusion of it in the prospectus issued for admission by the Government can have no impact in the eyes of those having sufficient understanding about the course.

For the reasons stated above we are of the view that the learned Single Judge was right in rejecting the writ petition. We don't find any reason to take a different view in these appeals. Appeals are dismissed.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

Sd/-

S.MANU, JUDGE

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