



2026:KER:19650

WP(PIL) NO. 48 OF 2026

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

THURSDAY, THE 5<sup>TH</sup> DAY OF MARCH 2026 / 14TH PHALGUNA, 1947

WP(PIL) NO. 48 OF 2026

PETITIONER/S:

N.K PREMACHANDRAN  
AGED 65 YEARS  
S/O. M. KRISHNA PILLA, MEMBER OF PARLIAMENT (LOK  
SABHA), RESIDING AT 'MAHESWARI', CANTONMENT P.  
O., KOLLAM, PIN - 691001

BY ADVS.  
SMT.NISHA GEORGE  
SRI.GEORGE POONTHOTTAM (SR.)  
SRI.A.L.NAVANEETH KRISHNAN  
SMT.KAVYA VARMA M. M.

RESPONDENT/S:

- 1 UNION OF INDIA  
MINISTRY OF LABOUR & EMPLOYMENT, REPRESENTED BY  
SECRETARY, SHRAM SHAKTI BHAWAN, RAFI MARG, NEW  
DELHI, PIN - 110001
- 2 NATIONAL MEDICAL COMMISSION  
REPRESENTED BY ITS DIRECTOR POCKET 14, SECTOR-8,  
DWARAKA, PHASE-I, NEW DELHI, PIN - 110077
- 3 STATE OF KERALA



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REPRESENTED BY SECRETARY TO GOVERNMENT,  
DEPARTMENT OF HEALTH AND FAMILY WELFARE,  
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM, PIN -  
695001

4 THE DIRECTOR OF MEDICAL EDUCATION  
DIRECTORATE OF MEDICAL EDUCATION, MEDICAL  
COLLEGE, CHALAKKUZHI, THIRUVANANTHAPURAM, PIN -  
695011

5 KERALA UNIVERSITY OF HEALTH SCIENCES  
REPRESENTED BY ITS REGISTRAR, MEDICAL COLLEGE  
P.O., MULANKUNNATHUKAVU, THRISSUR, PIN - 680592

BY ADV SHRI.ARUN.B.VARGHESE, CGC

SRI.P.G.PREMOD-SR.GP

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION)  
HAVING COME UP FOR ADMISSION ON 05.03.2026, THE COURT ON  
THE SAME DAY DELIVERED THE FOLLOWING:



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## JUDGMENT

### SOUMEN SEN, C.J.

Heard Mr. George Poonthottam, learned Senior Advocate instructed by Ms. Nisha George, learned counsel for the petitioner, Mr. Arun B. Varghese, learned Central Government Counsel, Mr. K.S. Prenjith Kumar, learned Standing Counsel for respondent No.2, Ms. Helen representing Mr. S. Ganesh, learned Standing Counsel for respondent No.5 and Mr. K.S. Premod, learned Senior Government Pleader.

2. In view of the fact that the party truly affected in the subject issue is the Employees State Insurance Corporation (ESI), which had proposed to commence a new medical college from the premises duly identified by it, the absence of the ESI in the party array renders the maintainability of this W.P.(PIL) precarious. Be that as it may, we take note of the submission made on behalf of the State Government in terms of the letter dated 03.02.2026, from the Under Secretary to Government of Kerala, Health and Family



Welfare, that it is an integral undertaking in an Essentiality Certificate that in case the applicants fail to create infrastructure for the Medical College as per NMC norms and fresh admissions are stopped by the NMC, the State Government shall take over the responsibility of students already admitted in the College with the permission of NMC. Unless the Government is satisfied that the land, academic buildings, clinical infrastructure, faculty and residents, equipment, and other requirements for the proposed medical college does comply with NMC regulations, it cannot issue the Essentiality Certificate. Accordingly, today is the day fixed for inspection to determine whether the request for an essentiality certificate to start an MBBS course at the ESIC Model & Super Speciality Hospital, Asramam, Kollam, can be considered.

3. The requirement to start an MBBS course at the ESI Model and Super Speciality Hospital cannot be ignored; however, it must comply with NMC guidelines and adhere to the UG-MSR, 2023 of the NMC, as specified in the letter



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dated 03.02.2026. In the event the Government is satisfied that the ESI has complied with the applicable norms under the UG-MSR, 2023, it shall expedite the issuance of the requisite certificate to commence the MBBS course as requested by the ESI.

4. The learned Special Government Pleader has also submitted that the Medical College is necessary, and the process of granting approval should be expedited, provided that all essential conditions are satisfied, preferably within four weeks from the date.

5. The petition is accordingly disposed of.

Sd/-  
SOUMEN SEN  
CHIEF JUSTICE

Sd/-  
SYAM KUMAR V.M.  
JUDGE

uu/05.03.2026



APPENDIX OF WP(PIL) NO. 48 OF 2026

**PETITIONER EXHIBITS**

- Exhibit P1** TRUE COPY OF THE NOTIFICATION DATED 22.12.2025, ISSUED BY THE NATIONAL MEDICAL COMMISSION
- Exhibit P2** A TRUE COPY OF THE COMMUNICATION DATED 19.01.2026 SUBMITTED BY THE MEDICAL COMMISSIONER, ESIC
- Exhibit P3** A COPY OF THE COMMUNICATION DATED 20.01.2026 SUBMITTED BEFORE THE VICE-CHANCELLOR, KERALA UNIVERSITY OF HEALTH SCIENCES
- Exhibit P4** A TRUE COPY OF THE COMMUNICATION DATED 25.01.2026 BEARING NO. S3/11/2026/H&FWD ISSUED BY THE UNDER SECRETARY, HEALTH & FAMILY WELFARE DEPARTMENT
- Exhibit P5** A TRUE COPY OF THE UNDERTAKING DATED 28.01.2026 FURNISHED BY THE DIRECTOR GENERAL OF THE CORPORATION
- Exhibit P6** A TRUE COPY OF THE COMMUNICATION DATED 03.02.2026 ISSUED BY THE ADDITIONAL CHIEF SECRETARY TO GOVERNMENT, HEALTH AND FAMILY WELFARE
- Exhibit P7** A TRUE COPY OF THE COMMUNICATION DATED 16.02.2026 BEARING NO. 542-L/11/12/UG/2025/MHA/ADM SUBMITTED BY THE CORPORATION