

IN THE HIGH COURT OF KERALA AT ERNAKULAM  
PRESENT  
THE HONOURABLE MR.JUSTICE N.NAGARESH

Wednesday, the 25<sup>th</sup> day of May 2022 / 4th Jyaishta, 1944  
WP(C) NO. 16404 OF 2022(A)

**PETITIONER:**

DR. PARVATHY S., AGED 29 YEARS, D/O. N.K. SASIDHARAN, HARITHA,  
KOCHU KAVALA,VAIKOM, KOTTAYAM - 686141, PIN - 686141

**RESPONDENTS:**

1. DIRECTOR GENERAL OF HEALTH SERVICES MINISTRY OF HEALTH AND FAMILY WELFARE, GOVERNMENT OF INDIA,NEW DELHI - 110011.
2. MEDICAL COUNSELLING COMMITTEE (MCC) MINISTRY OF HEALTH AND FAMILY WELFARE, GOVERNMENT OF INDIA,NEW DELHI - 110011.
3. GOVERNMENT MEDICAL COLLEGE KOTTAYAM,REPRESENTED BY ITS PRINCIPAL.

Writ petition (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(C) the High Court be pleased direct the third respondent to report the vacancy arose due to the resignation of Dr.Swathy Krishnan A.R. for DM (Neurology) and report the said vacancy to the respondents 1 & 2 and further direct the second respondent to conduct mop-up counselling for the said vacancy of DM(Neurology) at third respondent college pending disposal of the writ petition.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(C) and upon hearing the arguments of M/S.DEEPUL THAKKAN, UMMUL FIDA, LAKSHMI SREEDHAR, R.RAJANANDINI MENON & SHAHNAS K.P, Advocates for the petitioners, the court passed the following:

**N. NAGARESH, J.**

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**W.P.(C) No.16404 of 2022**  
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Dated this the 25<sup>th</sup> day of May, 2022

**ORDER**

The Hon'ble Apex Court as per order dated 09.05.2022 directed that the mop up round for All India Quota shall be held for all the unfilled/stray/vacancies superspeciality seats subject to the condition that any Doctor, who has joined a seat under earlier round shall not be eligible for participating in the mop up round and that since the mop up round is being held, a suitable extension of time may be granted for completing the admission.

2. The petitioner is not a candidate who has joined a seat in the earlier round and therefore is qualified to participate in the mop up round. It so happened, a candidate who got admission to DM (Neurology) in the 3<sup>rd</sup> respondent-Government Medical College, Kottayam resigned on 16.05.2022 and joined AIIMS, New Delhi. The said seat was

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not included in the mop up round as is evident from Ext.P6. This Court finds that in the ordinary course, going by the directions of the Apex Court, the said seat also ought to have been included in the mop up round. The learned Central Government Counsel opposed interim relief and pointed out that the petitioner has not exercised his option for the said seat. However, that cannot be a reason not to fill up a seat in a Super Speciality Course of DM (Neurology).

In the facts of the case, there will be an interim order directing respondents 1 and 2 to conduct a mop up counseling for the seat of DM (Neurology) available in the Government Medical College, Kottayam. It shall be done within a period of one week. This interim order will be provisional and subject to further orders of this Court.

Sd/-  
**N. NAGARESH**  
**JUDGE**

SR

H/o.

**APPENDIX OF WP(C) 16404/2022**

Exhibit p-6

**TRUE COPY OF THE THE SEAT MATRIX RELEASED BY THE SECOND  
RESPONDENT DATED NIL**

