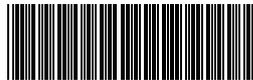




## Office of the Advocate General, Kerala, Ernakulam

Phone (PABX): 0484-2393844,0484-2395050,0484-2395052  
FAX: 0484-2394674 e-mail: advocategeneralkerala@gmail.com

Z2 - WP(C) 30735/2022/2024054155



2024054155

**Priority : Very Urgent**

Dated : 07-05-2024

From

The Advocate General,  
Kerala

To

1. THE ADDITIONAL CHIEF SECRETARY  
HEALTH AND FAMILY WELFARE (K) DEPARTMENT, GOVERNMENT SECRETARIAT. HEALTHKDEPARTMENT@GMAIL.COM
2. THE PRINCIPAL SECRETARY (& SOCIAL JUSTICE GOVT. OF KERALA)  
HIGHER EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM. EMAIL  
SECY.HEDU@KERALA.GOV.IN

Sir,

Sub:- WP(C) 30735/2022 filed by SRI. LITTO K S - Disposed by the Honorable HIGH COURT OF KERALA on 19-04-2024  
- Copy of the Judgement - Forwarding of - Reg.

Ref :- 1. K2/320/2022/H&FWD DATED 27-12-2022 OF PRINCIPAL SECRETARY, HEALTH AND FAMILY WELFARE  
DEPARTMENT, HEALTH & FAMILY WELFARE DEPARTMENT, SECRETARIAT

2. Z2 - WP(C) 30735/2022/2023060876 DATED 09-06-2023 OF OFFICE OF ADVOCATE GENERAL, KERALA

Kind attention is invited to the above. I am directed to inform the Government/you that the above case was Disposed by the Honorable HIGH COURT OF KERALA on 19-04-2024. A copy of the judgment is enclosed for information and necessary action. The Government/you are requested to comply with the directions contained in the Judgment within the time limit . Further action if any through Court is found necessary, may be intimated to this office with relevant documents at the earliest.

Please send reply email, if any, in this regard to **agokerala.zsection@gmail.com**. For further clarification, please contact the Section concerned over phone **(04842564956)**.

Yours faithfully,

Sd/-

JYOTHI G. PRABHU (353785)

Under Secretary - X

Phone : 04842564970

For ADVOCATE GENERAL

Enclosure :-

Judgement dated 19-04-2024

Copy to:-

THE MEMBER SECRETARY  
KERALA STATE HIGHER EDUCATION COUNCIL, SCIENCE & TECHNOLOGY MUSEUM CAMPUS, VIKAS BHAVAN P.O., PMG  
JUNCTION, THIRUVANANTHAPURAM, EMAIL HECKERALA@GMAIL.COM

Approved for issue

Section Officer



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

FRIDAY, THE 19<sup>TH</sup> DAY OF APRIL 2024 / 30TH CHAITHRA, 1946

WP(C) NO. 30735 OF 2022

PETITIONER:

LITTO K S  
AGED 24 YEARS  
S/O.SABU K.S., KATTUPALATH HOUSE,  
VALLIKKADAV P.O., VELLARIKUNDU,  
KASARGOD - 671 534.

BY ADV SMT.NISHA JOHN

RESPONDENTS:

- 1 KERALA UNIVERSITY OF HEALTH SCIENCES (KUHS),  
MEDICAL COLLEGE P.O., THRISSUR, KERALA - 680  
596, REPRESENTED BY ITS VICE - CHANCELLOR.
- 2 THE KERALA STATE HIGHER EDUCATION COUNCIL,  
(KSHEC) SCIENCE AND TECHNOLOGY MUSEUM CAMPUS,  
PMG. VIKAS BHAVAN P.O., THIRUVANANTHAPOURAM -  
33, REPRESENTED BY ITS VICE-  
CHAIRMAN.
- 3 STATE OF KERALA,  
REPRESENTED BY PRINCIPAL SECRETARY TO HEALTH AND  
FAMILY WELFARE.
- 4 PRINCIPAL SECRETARY TO MINISTRY OF HIGHER  
EDUCATION & SOCIAL JUSTICE  
GOVERNMENT OF KERALA, 3RD FLOOR,  
SECRETARIAT, ANNEX II, THIRUVANANTHAPURAM.

BY ADVS.

SRI P.SREEKUMAR (SC)

SRI VENUGOPAL, GOVT.PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 7.12.2023, THE COURT ON 19.04.2024 DELIVERED THE  
FOLLOWING:



**T.R. RAVI, J.**

-----  
**W.P.(C)No.30735 of 2022**  
-----

**Dated this the 19<sup>th</sup> day of April, 2024**

**JUDGMENT**

The petitioner acquired BSc. MLT from Rajiv Gandhi University of Health Sciences (RGUHS). The request for equivalency was rejected by the Kerala University of Health Sciences (KUHS), the 1<sup>st</sup> respondent herein. The petitioner approached this Court by filing W.P.(C)No.19126 of 2022. The petitioner contended that the Kerala State Higher Education Council (2<sup>nd</sup> respondent) had resolved to recognise Paramedical Courses including BSc. MLT/MSc. MLT and allied health courses, recognised by the Regulatory Bodies, for employment and higher studies. The petitioner hence contended that since the degree conferred by the RGUHS is recognised by the Regulatory Bodies for employment in the higher studies, the same has to be recognised by the 1<sup>st</sup> respondent also. This Court by judgment dated 21.6.2022 directed the 1<sup>st</sup> respondent to reconsider the application submitted by the petitioner, adverting to the letter dated 21.10.2021 and the Government



Order dated 13.11.2018, and take a fresh decision. The order dated 21.11.2021 rejecting the petitioner's application was set aside by this Court.

2. Pursuant to the directions issued by this Court, the 1<sup>st</sup> respondent by Ext.P9 order dated 13.8.2022 revisited the issue and again rejected the request of the petitioner. The petitioner has challenged Ext.P9 order in this writ petition.

3. It is seen from Ext.P9 order that the 1<sup>st</sup> respondent has considered the issue based on four aspects. On the first aspect regarding the nomenclature and discipline, the 1<sup>st</sup> respondent has found the two courses to be similar. Regarding the duration of the courses, the 1<sup>st</sup> respondent found that the course conducted by the RGUHS is of 3 years duration with additional 6 months of internship, while that conducted by the 1<sup>st</sup> respondent has a duration of four years. There is also a comparison drawn between the total hours spent on different aspects of the course in the two different Universities and it has been noted that the course conducted by the 1<sup>st</sup> respondent is spread through 5610 hours, while that of RGUHS is 2630 hours. On the third aspect regarding the course content, it is found that even 60% of the course content is not



comparable. The fourth aspect looked into is the eligibility criteria for admission and it was noted that the eligibility criteria for the course under the RGUHS is +2 pass with Physics, Chemistry and Biology as subjects for study while the academic eligibility for the course under the KUHS is +2 with 50% mark in Physics, Chemistry and Biology and English put together.

4. The counsel for the petitioner contended that as per Section 4 (2)(ze) of the Kerala State Higher Education Council Act 2007 (as amended by the Act 19 of 2018), one of the purposes of the Council is to evolve common academic guidelines for Universities in the State for recognition, approval or equalisation of academic programmes or areas of studies and nomenclature thereof of various programmes conducted or co-ordinated by Universities or higher education institutions outside the State and outside the Country. The Counsel submits that by Ext.P16 Government Order dated 17.12.2018, after referring to G.O.(Ms.)No.272/2018/H.Edn. dated 13.11.2018, it was decided to constitute the State Level Academic Committee for the purpose of disposing of objections, disputes/complaints regarding the nomenclature of



Academic Programmes/Degrees and according approval/ recognition/equivalence. The State Level Academic Committee is constituted with the Vice Chairman, Kerala State Higher Education Council as its Chairman, and, the Vice Chancellors of all the State universities in Kerala and Member Secretary, Kerala State Higher Education Council as its members. The counsel submits that the State Level Academic Committee at its meeting held on 22.9.2021 had resolved to recognise the paramedical courses including Bsc.MLT/MSc.MLT and allied health courses recognised by Regulatory Bodies, for employment and higher studies. The minutes of the above meeting has been produced as Ext.P15. It can be seen from Ext.P15 that the Vice Chancellor of the 1<sup>st</sup> respondent had participated in the decision-making process and Dr. Subrata Sinha who was the Professor and Head of the Department of Laboratory Medicine of the All India Institute of Medical Sciences had participated as a Special Invitee. The 2<sup>nd</sup> respondent had issued Ext.P4 based on Ext.P15. The counsel for the petitioner hence submits that while rejecting the request of the petitioner by Ext.P9, the 1<sup>st</sup> respondent has not even considered the fact that the 1<sup>st</sup> respondent was also,



through its Vice Chancellor, a part of the decision making process which had led to Ext.P15 minutes. It is hence submitted that Ext.P9 has been issued even without a discussion on the aspects which were directed to be considered by this Court in Ext.P8 judgment. The counsel also submitted that Ext.P14 issued by the 2<sup>nd</sup> respondent and Ext.P13 Government Order dated 13.11.2018 have all been issued with the purpose of having a reciprocal recognition of degrees awarded by Indian Universities and other Higher Education Institutions recognised by the University Grants Commission and no equivalency/recognition can be insisted upon, for the degrees conferred by such institutions, going by Ext.P13 Government Order. It is hence submitted that the stand taken by the 1<sup>st</sup> respondent that they are not bound by the orders issued by the 2<sup>nd</sup> respondent or by the Government and that the Court also cannot interfere with the academic issues is not justified on the facts of this case.

5. The 1<sup>st</sup> respondent has filed a statement justifying Ext.P9 order, while the 2<sup>nd</sup> respondent has filed a counter affidavit, justifying the orders issued by the 2<sup>nd</sup> respondent based on Ext.P13 Government Order.



6. I have considered the contentions put forward by the counsel on either side.

7. This Court had already directed the 1<sup>st</sup> respondent to consider the issue with due reference to Ext.P13 Government Order and Ext.P4. It is true that Ext.P9 cites several reasons, justifying the stand of the University, that equivalence cannot be granted. However, the 1<sup>st</sup> respondent has not taken into consideration the fact that they were also a part of the decision making process which culminated in Ext.P15 minutes of the State Level Academic Committee, which in turn is the basis for Ext.P4 order of the 2<sup>nd</sup> respondent. Even if the contention of the 1<sup>st</sup> respondent that the directions issued by the 2<sup>nd</sup> respondent are not binding on the 1<sup>st</sup> respondent is accepted, having regard to the autonomy which is available to the 1<sup>st</sup> respondent in relation to academic matters, they are still bound by the directions issued by this Court, which have not been varied in a manner known to law. The said reasons cannot also be applied in the case on hand, since the 1<sup>st</sup> respondent themselves were part of the decision making process that led to Exts.P15 and P4. In the above circumstances, interests of justice requires that the issue is



reconsidered by the 1<sup>st</sup> respondent.

8. The writ petition is hence allowed. Ext.P9 is quashed. The 1<sup>st</sup> respondent is directed to consider the application submitted by the petitioner afresh having due regard to Ext.P15 minutes which is a decision taken by the State Level Academic Committee of which the 1<sup>st</sup> respondent is a member, and also keeping in mind the purpose behind the issuance of Ext.P13 Government Order, i.e. reciprocal recognition of degrees. The decision shall be taken after hearing the petitioner, at the earliest, at any rate within six weeks from the date of receipt of a certified copy of this judgment.

HIGH COURT OF KERALA  
CERTIFIED COPY

Sd/-

**T.R. RAVI  
JUDGE**

dsn



APPENDIX OF WP(C) 30735/2022

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE CERTIFICATE DATED 11.08.2020 ISSUED BY RAJIV GANDHI UNIVERSITY OF HEALTH, SCIENCES, KARNATAKA.
- Exhibit P2 TRUE COPY OF THE INTERNSHIP COMPLETION CERTIFICATE DATED 17.12.2019.
- Exhibit P3 TRUE COPY OF THE CERTIFICATE OF EQUIVALENCY DT. 10.06.2022 ISSUED BY THE UNIVERSITY OF CALICUT
- Exhibit P4 TRUE COPY OF THE NOTE SUBMITTED BY MS. SUBRATA SINHA.
- Exhibit P5 TRUE COPY OF THE ORDER DATED 21.10.2021 ISSUED BY KSHC
- Exhibit P5 (A) TRUE COPY OF THE GAZETTE NOTIFICATION NO. 14662/LEG.G2/2017/LAW DATED 03.07.2018
- Exhibit P6 TRUE COPY OF THE LETTER DATED 18.03.2022 ISSUED BY 1ST RESPONDENT
- Exhibit P7 TRUE COPY OF THE LETTER DATED 25.11.2021 ISSUED BY 2ND. RESPONDENT TO THE PETITIONER
- Exhibit P7 (A) TRUE COPY OF THE NEWSPAPER REPORT IN MATHRUBHUMI DAILY ON 19.04.2022.
- Exhibit P8 TRUE COPY OF THE JUDGEMENT DATED 21.06.2022 IN W.P. (C) NO. 19126 OF 2022
- Exhibit P9 TRUE COPY OF THE ORDER DATED 13.08.2022 PASSED BY 1ST RESPONDENT
- Exhibit P10 TRUE COPY OF THE LETTER DATED 03.08.2022 ISSUED BY KSHC CLARIFYING ITS NORMS ON EQUIVALENCY
- Exhibit P11 TRUE COPY OF THE LIST SHOWING THE SUBJECTS TAUGHT IN KUHS FOR BSC MLT COURSE
- Exhibit P12 TRUE COPY OF THE LIST SHOWING THE SUBJECTS TAUGHT IN RGHUHS FOR BSC MLT COURSE
- EXHIBIT P13 CERTIFICATE OF BSc MEDICAL LABORATORY TECHNOLOGY ISSUED BY FATHER MULLER MEDICAL COLLEGE



- Exhibit P13** TRUE COPY OF THE G.O. (MS) NO. 272 / 2018 / HEDN DT. 13.11.2018
- Exhibit P14** TRUE COPY OF THE LETTER NO. KSHEC / A6 / 301 / VC - DRCT / 2021 DT. 28.07.2021
- Exhibit P15** TRUE COPY OF THE MINUTES OF THE MEETING OF SLAC HELD ON 22.09.2021
- Exhibit P16** TRUE COPY OF THE G.O(MS) NO. 303 / 2018 / HEDN DT. 17.12.2018



**HIGH COURT OF KERALA**  
**CERTIFIED COPY**

**HIGH COURT OF KERALA  
AT ERNAKULAM**

**Number and Year of the Case** : WP(C) 30735/2022  
**Name Of Applicant** : ADVOCATE GENERAL  
: KERALA  
**Number and Date of  
Application** : A 20124/2024 , 23-04-2024  
**Date when the copy was  
delivered** : 23-04-2024

**Examiner**



ONLINE COPY APPLICATION