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കേരള സർക്കാർ
Government of Kerala
2017



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Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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GOVERNMENT OF KERALA
Law (Legislation-H) Department
NOTIFICATION

No. 20712/Leg. H1/2017/Law.

Dated, Thiruvananthapuram,

20th December, 2017

5th Dhanu, 1193

29th Agrahayana, 1939.

The following Ordinance promulgated by the Governor of Kerala on the 20th day of December, 2017 is hereby published for general information.

By order of the Governor,

B. G. HARINDRANATH,
Law Secretary.

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33/4501/2017/S-22.

ORDINANCE No. 34 OF 2017**THE KERALA PROFESSIONAL COLLEGES (REGULARISATION
OF ADMISSION IN MEDICAL COLLEGES)
ORDINANCE, 2017**

Promulgated by the Governor of Kerala in the Sixty-eighth Year of the Republic of India.

AN

ORDINANCE

to provide for regularisation of admission of students in certain medical colleges in the State during the academic year 2016-17.

Preamble.—WHEREAS, the admission of certain students in the discipline of medicine for the academic year 2016-17 was cancelled by the Admission Supervisory Committee of the State for non-compliance of its orders by certain managements;

AND WHEREAS, no fault was found on the part of any student who got admission in such colleges;

AND WHEREAS, the seats so cancelled are not allotted to any other students;

AND WHEREAS, it is expedient to provide for regularisation of admission of students in such medical colleges in the State during the academic year 2016-17;

AND WHEREAS, the Kerala Professional Colleges (Regularisation of Admission in Medical Colleges) Ordinance, 2017 (21 of 2017) was promulgated by the Governor of Kerala on the 20th day of October, 2017;

AND WHEREAS, a Bill to replace the said Ordinance by an Act of the State Legislature could not be introduced in, and passed by, the Legislative Assembly of the State of Kerala during its session which commenced on the 9th day of November, 2017 and ended on the same day;

AND WHEREAS, under sub-clause (a) of clause (2) of Article 213 of the Constitution of India, the said Ordinance will cease to operate on the 21st day of December, 2017;

AND WHEREAS, difficulties will arise if the provisions of the said Ordinance are not kept alive;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

1. *Short title and commencement.*—(1) This Ordinance may be called the Kerala Professional Colleges (Regularisation of Admission in Medical Colleges) Ordinance, 2017.

(2) It shall be deemed to have come into force on the 20th day of October, 2017.

2. *Regularisation of admission in medical colleges.*—Notwithstanding anything contained in the Kerala Professional Colleges or Institutions (Prohibition of Capitation Fee, Regulation of Admission, Fixation of Non-Exploitative Fee and Other Measures to Ensure Equity and Excellence in Professional Education) Act, 2006 (19 of 2006) or in any judgment, decree, order or any proceedings of any court or the Admission Supervisory Committee constituted under section 4 of the said Act or any other authority or in any agreement or instrument made under any law for the time being in force, it shall be lawful for the Government to regularise the admission of candidates who were qualified for admission in the discipline of medicine in any medical college in the State during the academic year 2016-17, but their admission was cancelled by any court or Admission Supervisory Committee, irrespective of the mode of submission of application and the non-production of any material before the Admission Supervisory Committee, subject to such terms and conditions as the Government may deem fit:

Provided that such admission shall not be regularised unless such candidate has duly attended the course during the said academic year.

3. *Procedure for regularisation.*—(1) The managements of the medical colleges who have admitted candidates as specified in section 2 to the discipline of medicine in any medical college and their admission was cancelled, may, within fifteen days from the date of commencement of this Ordinance, apply for regularisation of such admission.

(2) Every application for regularisation of admission under the Ordinance shall be submitted to the Government through the University concerned and the University shall, within seven days of receipt of such application, forward the same to the Government with a report containing its remarks on the following matters, namely:—

(i) whether the student who got admission is qualified and is eligible as per the rank list prepared on the basis of the National Eligibility cum Entrance Test, for admission in the discipline of medicine as per laws and orders in force applicable for the academic year 2016-17;

(ii) whether the students as mentioned in the application has duly attended the course during the academic year 2016-17;

(iii) whether the student is otherwise eligible to continue the course.

(3) An officer not below the rank of a Secretary to Government, as may be authorised by the Government by special order in this behalf, shall be the Competent Authority to consider an application under the Ordinance. The Competent Authority shall have the power to summon any person or to call for any document for the proper disposal of such application.

(4) On receipt of an application for regularisation under this section, the Government shall call for a report on it from the Director of Medical Education and after hearing the applicant and the respondents or any other person concerned, if necessary, consider the application and pass orders on it, including order for payment of the regularisation fee payable under the Ordinance.

(5) Where the application is sanctioned by the Government, a direction in this respect shall be issued to the University concerned and notwithstanding anything contained in any University Act or any statute or ordinance made thereunder or in any other law for the time being in force, the University shall issue orders necessary for the enrolment of such students in the University and thereafter such students shall be considered as regular students of the discipline of medicine under the University with effect from the academic year 2016-17 till the completion of their course in the discipline.

Explanation.—For the purposes of this section, “University Act” means an Act establishing a University, passed by the State Legislature.

4. *Matters for consideration of the Competent Authority.*—While considering an application for regularisation received under this Ordinance, the Competent Authority shall,—

(i) consider whether the student who got admission is qualified and is eligible as per the rank list prepared on the basis of the National Eligibility cum Entrance Test, for admission in the discipline of medicine as per laws and orders in force applicable for the academic year 2016-17;

(ii) confirm that no student is continuing in the college in violation of any other law for the time being in force;

(iii) not consider the mode of application submitted by the students;

(iv) not consider the non-production of any document or any material before the Admission Supervisory Committee;

(v) ensure that no capitation fee was collected by the management;

(vi) ensure that there was no profiteering by the management.

5. Payment of regularisation fee.—(1) Where the Government sanctions an application for regularisation of admission under this Ordinance, the management of such medical college shall be liable to pay a regularisation fee of three lakh rupees per student for such regularisation.

(2) The competent authority under sub-section (3) of section 3 shall be competent to impose the fee as provided in sub-section (1) and it shall be specified in the order issued under sub-section (4) of section 3.

6. Repeal and saving.—(1) The Kerala Professional Colleges (Regularisation of Admission in Medical Colleges) Ordinance, 2017 (21 of 2017) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under this Ordinance.

**P. SATHASIVAM,
GOVERNOR.**