

APPELLATE JURISDICTION

Mr. Justice Anil K. Narendran and Mr. Justice Muralee Krishna S.

W.A. No. 2289 of 2025

2025 December 10

The Principal, Dr. Somervell Memorial CSI Medical College, Allied Health Sciences . . .
Appellant

v.

State of Kerala and others . . . Respondents

The appellant, who was the writ petitioner, challenged the University's rejection of applications for starting four new para-medical courses and for enhancement of seats in an existing course, despite having obtained Government NOCs. The rejection was on the ground that the average pass percentage of existing courses was below the prescribed minimum of 50%, based on amended statutory provisions and University orders. According to the appellant, the rejection is illegal as it relies on amended statutes and University orders that were not validly approved, assented to by the Chancellor, or published in the Gazette as mandated by law. It was contended that the pass-percentage condition cannot be applied to new courses and that the relevant statutory provisions are unconstitutional, arbitrary, and ultra vires. According to the respondents, the rejection is valid under the amended statutory framework governing affiliation, even without relying on the impugned University orders. It was contended that all courses fall under the same stream, that the pass-percentage requirement is intended to maintain academic standards, and that the Government NOC was only conditional upon obtaining University affiliation. Dismissing the appeal, the court;

Issue for consideration

Whether the Kerala University of Health Sciences was justified in refusing affiliation for starting new para-medical courses and enhancing seats on the basis of the minimum pass-percentage requirement under the University Statutes ?

Kerala University of Health Sciences First Statutes, 2013—Chapter XXI, Clause 2(5)(ii)(v)—Purposive interpretation—The requirement relating to the average pass percentage of previous regular examinations in the second limb of Clause 2(5)(ii)(v) must be construed with reference to the courses conducted by the institution under the same stream, as indicated in the first limb.

Held:

As observed by the learned Single Judge in the impugned judgment, when the college has applied for starting new courses it is impossible to furnish details of the pass percentage of previous examinations of the same courses since those courses are yet to be introduced. Therefore, a purposive interpretation has to be given to

Clause 2(5)(ii)(v) of Ext.P7. If we dissect Clause 2(5)(ii)(v) of Ext.P7, it has two limbs. The first limb says that in order to get affiliation in the case of additional courses and/or for enhancement of seats (i) the college shall satisfy that the first batch of the courses in the institution under the same stream shall be passed out. The second limb says that apart from the above, (ii) the details of the average of pass percentage of previous regular examinations of all existing batches of the same course at the time of submitting the application shall not be below the minimum prescribed by the Governing Council in the notification issued by the university. When considering Clause 2(5)(ii)(v) of Ext.P7, the intend behind insisting minimum percentage of pass in all courses conducted by the colleges/institutions for grant of permission to start new course or for enhancement of seats can only be said as to see that the colleges maintain high standard of education. Therefore, the average of pass percentage of previous regular examinations of all existing batches of the same course mentioned in the 2nd limb of Clause 2(5)(ii)(v) of Ext.P7 can only be the courses in the institution under the same stream, as in the first limb of the clause. Therefore, we are of the opinion that even without the backing of Annexure R2(a) and Ext.P8 orders, by virtue of clause 2(5)(ii)(v) of Ext.P7, the Ext.P5 decision rejecting the application of the appellant will sustain. (Paragraphs 22)

Case Law Cited:

(1) 1988 (1) K.L.T. 894; (2) 2022 (1) K.L.T. 26—Referred to.

List of Acts:

- (1) Kerala University of Health Sciences Act, 2010.
- (2) Kerala University of Health Sciences First Statutes, 2013.
- (3) Kerala High Court Act, 1958.
- (4) Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955.
- (5) Constitution of India.

List of Keywords:

University affiliation, New para-medical courses, Enhancement of seats, Minimum pass percentage, Same stream, Gazette publication, Purposive interpretation.

Case Arising From:

Against the judgment of Mr. Justice N.Nagaresh in W.P.(C) No.20249 of 2025.

Appearance of Parties:

Sri. S. Sreekumar (Sr. Advocate), Sri. Arun B. Varghese and Sri. Alan Lalu John
for petitioner

Sri. P. Sreekumar (Sr. Advocate), Sri. S. Ganesh and Smt. Nisha Bose, Sr.
Government Pleader for respondent

JUDGMENT

The Judgment of the Court was delivered by **Muralee Krishna, J.**—The petitioner in W.P.(C) No.20249 of 2025 filed this writ appeal under Section 5(i) of the Kerala High Court Act, 1958, challenging the judgment dated 09.09.2025 passed by the learned Single Judge in that writ petition.

2. The facts which led to the filing of the writ petition and then this writ appeal can be summarised as under:

2.1. The South Kerala Medical Mission of the South Kerala Diocese of the Church of South India, a society registered under the Travancore-Cochin Literary, Scientific and Charitable Societies Registration Act, 1955 ('Act 12 of 1955' in short), has established and is running the self-financing Medical College, namely, Dr. Somervell Memorial CSI Medical College and Hospital, Karakonam. Various para medical courses such as Bachelor of Physiotherapy (BPT), Bachelor of Science in Medical Laboratory Technology (BSc MLT), Bachelor of Science in Optometry (BSc Optometry) and Master of Hospital Administration are being conducted in the college and are managed and administered by another wing of the Medical College namely, Allied Health Sciences, the Principal of which is the appellant herein.

2.2. The 2nd respondent, Kerala University of Health Sciences ('University' in short) issued Ext.P1 Notification dated 31.08.2024, inviting applications for starting new courses and also enhancement of seats. The appellant had submitted applications for starting Bachelor of Occupational Therapy (BOT) course for 20 seats, Bachelor of Audiology and Speech Language Pathology (BASLP) course of 20 seats, Bachelor of Dialysis Technology (BDT) course of 10 seats, BSc Medical Micro Biology course with 30 seats and also an application for enhancement of number of seats of Master of Hospital Administration (MHA) course from 5 seats to 20 seats.

2.3. The 1st respondent issued Exts.P2, P3 and P4 orders dated 27.06.2024, 07.10.2024 and 03.03.2025, granting No Objection Certificate ('NOC', for short) for starting BOT, BASLP, BDT and BSc medical Microbiology courses with the aforementioned numbers and also for enhancing the seats of MHA from 5 to 20. However, the 2nd respondent University by Ext.P5 letter dated 21.02.2025 rejected the application for starting BDT, BASLP, BOT and BSc Medical Microbiology courses. In Ext.P5, the 2nd respondent University stated the reason for rejection that the pass percentage of all regular examination of existing batches of BPT, BSc MLT, BSc Optometry and MHA is only 44.15%, which is below the minimum prescribed pass percentage. In Ext.P5, the 2nd respondent relied on 'Clause 2(5)(v) of amended 5 Chapter XXI of Kerala University of Health Sciences First Statutes, 2013' regarding affiliation of colleges, and also University order No.69/2022/Academic/KUHS dated 07.02.2022. It is stated in Ext.P5 that for the purpose of considering applications for enhancement of seats/additional courses, the average of pass percentage of all regular examination of existing batches of all courses under the same stream shall be minimum 50%.

2.4. The appellant states that Ext.P6 is the First Statute of the 2nd respondent University published in the official gazette dated 29.04.2013, and Chapter XXI of the

Statute deals with affiliation of colleges. The University had amended Chapter XXI of Ext.P6 Statute by Ext.P7 notification dated 24.02.2020. According to the appellant, Ext.P7 is not published in the gazette, which is mandatory under Section 46 of the Kerala University of Health Sciences Act, 2010 ('University Act' in short).

2.5. It is the further case of the appellant that while issuing Ext.P5 letter dated 21.02.2025, the 2nd respondent University relied on Ext.P8 University order dated 07.02.2022, whereby sub clauses (C) and (D) were added to Clause 2(5)(ii)(v) of the First Statute. But the previous approval of the Government as mandated under Section 41(3)(iv) of the University Act and the assent of the Chancellor as mandated under Section 41(3)(v) and (vi) of the University Act and also the publication of the same in the gazette as mandated under Section 46 of the University Act have not been complied. With these pleadings, the appellant filed W.P.(C) No.20249 of 2025, under Article 226 of the Constitution of India seeking the following reliefs:

"1. To issue a writ of certiorari or any other writ or order calling for the records relating to Ext.P5 and quash the same.

2. To issue a writ of certiorari or any other writ or order calling for the records relating to Ext.P1 notification and quash the same to the extent to which it stipulates that for starting additional course, the institution applying for the same shall satisfy the condition that the average pass percentage of previous regular examinations of all existing batches of the courses in that stream shall be 50% or more and a declaration to this effect to be submitted along with the application.

3. To declare that Ext.P7 is illegal and nonest in the light of the judgment of this Honourable court in **Sree Anjaneya College of Nursing and Another Vs. State of Kerala** and others reported in 2021 K.H.C. 872.

4. To declare that Ext. P8 is illegal as the same has not followed the mandatory requirements under Section 41(3)(iv), Section 41(3)(v), Section 41(3)(vi) and also Section 46 of Kerala University of Health Sciences Act

5. To issue a writ of mandamus or any other writ or order directing the 2nd respondent to grant affiliation to start Bachelor of Occupational Therapy (BOT), Bachelor of Audiology and Speech Language Pathology (BASLP), Bachelor of Dialysis Technology (BDT) and BSc Medical Microbiology forthwith".

2.6. The writ petition was later amended by incorporating the following additional reliefs:

"6a. To declare that Statute 2(5) (ii)(v) of Ext. P7 is not applicable to the writ petitioner since they are applying for grant of affiliation for Bachelor of Occupational Therapy(BOT), Bachelor of Audiology and Speech Language Pathology (BASLP), Bachelor of Dialysis Technology (BDT) and BSc Medical Microbiology for the first time and are new courses.

“6b. To declare that Statute 2 (5) (ii)(v) of Exhibit P7 is unworkable and is perverse beyond the scope of Statute making power, violation of Article 14 and 21 of the Constitution of India and hence null and void.

“6c. To set aside Statute 2 (5) (ii)(v) of Exhibit P7 so as the same insist of pass percentage of a course which was not in existence and void ab initio”.

3. In the writ petition, on behalf of respondents 2 and 3, a statement dated 13.06.2025 was filed by the learned Standing Counsel, opposing the reliefs sought therein and also producing Annexure R2(a) to R2(c) documents. To that statement, the appellant filed a reply affidavit dated 19.06.2025, producing therewith Ext.P15 document.

4. After hearing both sides and on appreciation of materials on record, the learned Single Judge dismissed the writ petition by the impugned judgment dated 09.09.2025. Being aggrieved, the appellant has filed the present writ appeal.

5. Heard the learned Senior Counsel for the appellant, the learned Senior Government Pleader and the learned Senior Counsel for respondents 2 and 3.

6. The learned Senior Counsel for the appellant would argue that while issuing Ext.P5 letter dated 21.02.2025, the 2nd respondent relied on Annexure R2(a) order dated 26.03.2021 and also Ext.P8 order dated 07.02.2022. However, neither Annexure R2(a) nor Ext.P8 were published in the gazette as mandated under Section 46 of the University Act and hence they cannot be relied upon by the 2nd respondent while issuing Ext.P5 letter rejecting the application of the appellant to start the new para-medical courses. The learned Senior Counsel vehemently argued that Annexure R2(a) and Ext.P8 orders were issued without obtaining consent of the Chancellor, and even if it is taken that the Vice Chancellor has issued those orders in an emergency, then also the procedure has to be followed and later published in the gazette. According to the learned Senior Counsel, without relying on Annexure R2(a) and Ext.P8, Ext.P5 decision cannot be taken by the 2nd respondent.

7. On the other hand, the learned Senior Counsel for respondents 2 and 3 argued that even without relying on Annexure R2(a) and Ext.P8, the rejection order passed by the 2nd respondent University can be maintained in support of the provisions under Ext.P7 amendment of the First Statute on the matter of affiliation of colleges. The learned Senior Counsel argued that the courses already in the college of the appellant are under the same stream. To the provisions under Ext.P7, a purposive interpretation has to be given, taking note of the object of the statute.

8. The learned Senior Government Pleader would submit that the Government has issued NOC for starting the courses with a rider that affiliation from the University has to be obtained.

9. To understand the dispute raised by the parties to this lis regarding the applicability of provisions under the University statute and the Government orders, it would be appropriate to extract those provisions hereunder:

10. Sections 41(3)(iv), (v) and (vi) of the University Act, read thus:

“41. Procedure for making Statutes

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(3) The Statute may be made, amended or repealed by the Governing Council in the manner hereinafter provided:-- xxx xxx xxx xxx

(iv) No Statute providing for the conditions for, or procedure relating to, the affiliation of private colleges shall be passed by the Governing Council without the previous approval of the Government.

(v) Every Statute passed by the Governing Council shall be submitted to the Chancellor, who may give or withhold his assent thereto, or send it back to the Governing Council for reconsideration; (vi) No Statute passed by the Governing Council shall be valid or shall come into force until assented to, by the Chancellor”.

11. Section 46 of the University Act reads thus:

“46. Publication in the Gazette All Statutes, Ordinances and Regulations made under this Act shall be published by the University in the Gazette”.

12. Clause 2(5)(ii)(v) of the University First Statute, inserted by way of Ext.P7 amendment, reads thus:

“In the case of additional courses and/or for enhancement of seats, the colleges shall satisfy the condition that 1st batch of the courses in the institution under the same stream shall be passed out and the details of the average of pass percentage of previous regular examinations of all existing batches of the same course at the time of submitting the application and a declaration that the percentage is not below the minimum prescribed by the Governing Council in the Notification issued by the University for the purpose of the addition/enhancement concerned”.

13. Clause 2(5)(ii)(v) of Ext.P7 amended by Annexure R2(a) notification dated 26.03.2021 reads thus:

“A. For additional course the average of pass percentage of all regular examinations of the existing batches of all courses under the same stream is not below the minimum prescribed by the Governing council in the notification issued by the University from time to time for the purpose of the additional course concerned. If the norm above is contrary to the norm of apex council if any, then the norm of apex council shall prevail.

B. For enhancement of seats the first batch of the same course to which enhancement is requested by the college shall be passed out and the average of pass percentage of all regular examinations of the existing batches of that particular course is not below the minimum prescribed by the Governing Council in the notification issued by the University from time to time for the purpose of

the enhancement concerned. If the norm above is contrary to the norm of apex council if any, then the norm of apex council shall prevail”.

14. Sub-clauses (C) and (D) decided to be added to Clause 2(5)(ii)(v) of Ext.P7 by the Governing Council meeting dated 30.12.2021, read thus:

“(C) For the purpose of considering the applications for enhancement of seats /additional courses , the average of pass percentage as noted in Sub clause “A” and “B” above shall be minimum 50%(Fifty Percentage). The relevant date for considering the pass percentage shall be the last date fixed for receipt of such applications as per notification issued by the University from time to time. In case of applications which have validity of three years, if the applications are to be considered in the subsequent years, the last date fixed for receipt of the applications as per notification issued by University in the current year shall be the relevant date for considering the pass percentage. If no notifications are invited by the University in a particular year , the date on which the institution concerned is to achieve the average pass percentage required shall be decided by the Governing council.

(D) If seat enhancement is already permitted in an existing course and the application is for further enhancement of seats, the batch in which enhancement was last sanctioned shall be treated as 1st batch for the purpose of considering further enhancement of seats”.

15. Admittedly, the appellant is conducting para-medical courses, BPT, BSc MLT, BSc Optometry and MHA. The appellant has submitted applications for starting the courses BOT for 20 seats, BASLP for 20 seats, BDT for 10 seats and BSc MMB for 30 seats and also for the enhancement of MHA seats from 5 to 20. According to respondents 2 and 3, it is relying on clause 2(5)(ii) (v) of Ext.P7 First Statute on the matter of affiliation of colleges, the university has rejected the request of the appellant. As extracted above, Clause 2(5)(ii)(v) of Ext.P7 stipulated that in order to get affiliation for additional courses and/or for enhancement of seats the colleges shall satisfy the condition that the first batch of the courses in the institution under the same stream shall be passed out and the details of the average of the pass percentage of previous regular examination of all existing batches of the same course at the time of submitting the application and a declaration that the percentage is not below the minimum prescribed by the Governing Council in the notification issued by the University for the purpose of addition/enhancement concerned.

16. The learned Senior Counsel for the appellant argued that the stipulation in Clause 2(5)(ii)(v) of Ext.P7 that in order to get affiliation, apart from showing that the first batch of the courses in the institution under the same stream shall be passed out, the insistence of average minimum percentage of previous regular examination of all existing batches of the same course is impossible since the ‘same course’ will not be there in the college, as it is an application for new course. By relying on the judgment of this Court in **N.C. Narayanan Nair v. State of Kerala [1988 (1) K.L.T. 894]**, the learned Senior Counsel submitted that since the condition in Clause 2(5)(ii) (v) of Ext.P7 is unworkable, the same has to be treated as invalid.

17. In **N.C. Narayanan Nair [1988 (1) KLT 894]**, this Court held thus:

"11. Unreasonableness of a statutory rule, uncertain in its language and unworkable in its operation, leading to the reasonable conclusion that it is manifestly arbitrary, can invalidate the rule as beyond the powers conferred under the statute, for "no authority would have intended to give authority to make such rules". This is a question of competence of the authority apart from the violation of a fundamental right under Article in doubt especially after Lord Justice D'plock's statement of the law in *Wham's Properties Ltd. v. Cherisey Urban District Council* (1964) (1) Q.B. 215) thus:

"Thus, the kind of unreasonableness which invalidates a bye law is not the antonym of "reasonableness" in the sense of which that expression is used in the common law. but such manifest arbitrariness, injustice or partiality that a court would say: "Parliament never intended to give authority to make such rules; they are unreasonable and ultra vires,"

and its affirmation by the Supreme Court in the *Indian Express* case (A.I.R. 1986 S.C. 515) thus:-

"A piece of subordinate legislation does not carry the same degree of immunity which is enjoyed by a statute passed by a competent legislature. Subordinate legislation may be questioned on any of the grounds on which plenary legislation is questioned"

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It may also be questioned on the ground that it is unreasonable, not in the sense of not being reasonable, but in the sense that it is manifestly arbitrary. In England, the Judges would say "Parliament never intended authority to make such rules. They are unreasonable and ultra vires".

12. In a recent decision in *Pankajakshy v. George Mathew* (1987 (2) K.L.T. 723), after referring to the various decisions of the Supreme Court, it was stated thus:-

"Thus, the rule made under a statute by an authority delegated for the purpose can be challenged on the ground (1) that it is ultra vires of the Act; (2) it is opposed to Fundamental Rights; (3) it is opposed to other plenary laws. To ascertain whether a rule is ultra vires of the Act, the Court can go into the question (a) whether it contravenes expressly or impliedly any of the provisions of the Statute; (b) whether it achieves the intent and object of the Act; and (c) whether it is "unreasonable" to be manifestly arbitrary, unjust or partial implying thereby want of authority to make such rules".

18. The validity of Ext.P7 amendment to the University Statute, specifically came up for consideration of this Court in **Sree Anjaneya College of Nursing v. State of Kerala [2022 (1) K.L.T. 26]**, Wherein a learned Single Judge of this court held thus:

“22. In view of the succinct enunciation of the law by the Hon'ble Supreme Court, the contention of the 2nd respondent that the failure of the respondents to publish the amended Statutes in the Gazette will not affect the validity and purport of the amendment cannot be sustained. In view of Rule 46 of Act 4 of 2011, the Statute, Ordinance or Regulation to have the force of law will have to be published in the Official Gazette. The publication of the Statute is mandatory and not directory. Until its publication in the Official Gazette, even if assent has been obtained by the Chancellor, the Statute will not have the force of law and cannot be effective as a Statute. In view of the above, the 2nd respondent was not justified in relying on the provisions of the amended Statute to decline enhancement of intake to the petitioners.

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24. The controversial clause in Chapter XXI of the Statute reads as follows:

v) In the case of additional courses and/or for enhancement of seats, the colleges shall satisfy the condition that 1st batch of the courses in the institution under the same stream shall be passed out and the details of the average of pass percentage of previous regular examinations of all existing batches of the same course at the time of submitting the application and a declaration that the percentage is not below the minimum prescribed by the Governing Council in the Notification issued by the University for the purpose of the addition/enhancement concerned.

25. Admittedly, both the institutions are conducting B.Sc Nursing Course after obtaining affiliation from the University and requisite permissions from the Government, the INC and the KNMC. As per the Oxford Advanced Learner's Dictionary (7th Edition), the word 'stream' is defined to mean “ a group in which students of the same age and level of ability are placed in some schools”. In other words, through this process, the students of similar skills are put under a similar category or group. Stream in educational parlance would also mean a specific course or a certain academic field chosen by a student. A student may take a particular stream to pursue a specialization in that field. The only requirement as per the amended Statute is that for enhancement of seats, the colleges shall satisfy the condition that the 1st batch of the courses in the institution under the same stream has passed out. In the case on hand, stream made mention of in the Statute, can only mean the B.Sc. Nursing Stream. The institutions had commenced functioning during the academic year 2012-2013 and 2011-12 and this fact is undisputed. If that be the case, the first batch of the courses in the institution under the same stream can only be the batch of 2012-2013 and 2011-12 for the respective colleges. On an intelligible reading of the relevant provision, all that it means is that the 1st batch, meaning the batch which started in 2012-2013 or 2011-2012, as the case may be, and pursuing the B.Sc. Nursing Stream has passed out, and that the average pass of previous regular examinations of all existing batches is not below the minimum prescribed by the Governing Council. The 2nd respondent has no case that the pass percentage is less or that the education is imparted for a different stream. The

interpretation of the 2nd respondent that the first batch would mean the enhanced batch and that for grant of enhanced intake even for the same B.Sc. Nursing stream, the batch for which enhancement was granted shall have to pass out cannot be accepted. In that view of the matter, the rejection of the request made by the petitioners cannot be sustained under law".

19. In **Sree Anjaneya College of Nursing [2022 (1) K.L.T. 26]**, the learned Single Judge of this Court held that unless assented to by the Chancellor, no statute passed by the Governing Council shall be valid or shall be deemed to have come into force. Taking note of the fact that in view of Section 46 of the University Act, the Statute Ordinance or Regulation to have the force of law will have to be published in the official gazette, it was held that the university was not justified in relying on the provisions of the amended statute to decline enhancement of intake to the petitioners therein.

20. But subsequent to the judgment in **Sree Anjaneya College of Nursing [2022 (1) K.L.T. 26]**, Ext.P7 was published in the Kerala Gazette on 15.12.2021 as evident from Annexure R2(c) gazette produced along with the statement filed by respondents 2 and 3. Therefore, Ext.P7 was valid at the time of rejecting the request of the appellant by Ext.P5 order.

21. However, it is gatherable from the materials on record and from the submissions made at the Bar that Annexure R2(a) and Ext.P8 were not published in the gazette as mandated under Section 46 of the University Act. Therefore, the 2nd respondent cannot rely on Annexure R2(a) and Ext.P8 for the purpose of supporting Ext.P5 rejection order of the application submitted by the appellant. Then the only question remaining is whether Ext.P5 can be justified on the basis of Clause 2(5) (ii) (v) of Ext.P7.

22. As observed by the learned Single Judge in the impugned judgment, when the college has applied for starting new courses it is impossible to furnish details of the pass percentage of previous examinations of the same courses since those courses are yet to be introduced. Therefore, a purposive interpretation has to be given to Clause 2(5)(ii)(v) of Ext.P7. If we dissect Clause 2(5)(ii)(v) of Ext.P7, it has two limbs. The first limb says that in order to get affiliation in the case of additional courses and/or for enhancement of seats (i) the college shall satisfy that the first batch of the courses in the institution under the same stream shall be passed out. The second limb says that apart from the above, (ii) the details of the average of pass percentage of previous regular examinations of all existing batches of the same course at the time of submitting the application shall not be below the minimum prescribed by the Governing Council in the notification issued by the university. When considering Clause 2(5)(ii)(v) of Ext.P7, the intend behind insisting minimum percentage of pass in all courses conducted by the colleges/institutions for grant of permission to start new course or for enhancement of seats can only be said as to see that the colleges maintain high standard of education. Therefore, the average of pass percentage of previous regular examinations of all existing batches of the same course mentioned in the 2nd limb of Clause 2(5)(ii)(v) of Ext.P7 can only be the courses in the institution under the same stream, as in the first limb of the clause. Therefore, we are of the opinion that even without the backing of Annexure R2(a) and Ext.P8 orders, by virtue of clause 2(5)(ii)(v) of Ext.P7, the Ext.P5 decision rejecting the application of the appellant will sustain.

23. Having considered the pleadings and materials on record and the submissions made at the Bar, for the aforesaid reasons, we find no ground to hold that the impugned judgment of the learned Single Judge is patently illegal or perverse, which warrants interference of this Court by exercising appellate jurisdiction.

In the result, the writ appeal stands dismissed.

Result of the Case:

Writ Appeal dismissed

Headnote prepared by A.A.A.
