

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE MR. JUSTICE ALEXANDER THOMAS**

FRIDAY, THE 27TH DAY OF FEBRUARY 2015/8TH PHALGUNA, 1936

OP(KAT).No. 18 of 2015 (Z)

**AGAINST THE ORDER/JUDGMENT IN OA 1389/2014 of KERALA ADMINISTRATIVE
TRIBUNAL, THIRUVANANTHAPURAM DATED 24-09-2014**

PETITIONER(S)/RESPONDENTS IN OA:

- 1. STATE OF KERALA
REPRESENTED BY ITS ADDITIONAL CHIEF SECRETARY
DEPARTMENT OF HIGHER EDUCATION, GOVERNMENT OF KERALA
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM
KERALA 0 695001.**
- 2. THE ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF HIGHER EDUCATION,
GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, KERALA - 695 001.**

BY ADV. SR GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKEN

RESPONDENT(S)/APPLICANT & 3RD RESPONDENT IN OA:

- 1. DR.GIRISANKAR S.S.
S/O.LATE R.SUKUMARAN NAIR, ASSISTANT PROFESSOR
GOVERNMENT LAW COLLEGE, ERNAKULAM
RESIDING AT SUKUMAARAM KAIRALI NAGAR
MOTHER TERESA ROAD, SOUTH CHITTOOR, KOCHI
ERNAKULAM KERALA - 682 027.**
- 2. SRI.K.J.RAJAN, ASSOCIATE PROFESSOR OF LAW
GOVERNMENT LAW COLLEGE, KOZHIKODE, KERALA - 673 614.**

**THIS OP KERALA ADMINISTRATIVE TRIBUNAL HAVING COME UP FOR
ADMISSION ON 27-02-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

OP(KAT).No. 18 of 2015 (Z)

APPENDIX

PETITIONER(S)' EXHIBITS

P1- A TRUE COPY OF THE O.A.NO.1389/2014 ALONG WITH ANNEXURES

**P2- A TRUE COPY OF THE AFFIDAVIT ALONG WITH APPLICATION FOR VACATE STAY
DATED 29.08.2014**

P3- TRUE COPY OF THE ORDER DATED 24.9.14

P4- TRUE COPY OF THE G.O(P) NO.12/2004/P7 ARD DATED 10.9.2004

RESPONDENT(S)' EXHIBITS NIL

//True Copy//

PA TO JUDGE

Rp

ANTONY DOMINIC & ALEXANDER THOMAS, JJ.
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OP (KAT) No. 18 of 2015
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Dated this the 27th day of February, 2015

J U D G M E N T

Antony Dominic, J.

Respondents 1 and 2 in OA No.1389/14 on the file of the Kerala Administrative Tribunal are the petitioners. In this OP, they are challenging the order passed by the Tribunal on 24th of September, 2014, interfering with the transfer of the 1st respondent, an Assistant Professor in the Government Law College, Ernakulam to the Government Law College, Thrissur and transferring the 2nd respondent into his place.

2. We heard the learned Government Pleader appearing for the petitioners and have considered the submissions made.

3. Although it is the contention of the learned Government Pleader that the transfer was only because the 1st respondent had completed more than three years in Ernakulam and that under Annexure A12 guidelines is liable to be transferred, from the facts disclosed, we notice that, Annexure A12 now relied on by the learned Government Pleader is only to justify a *mala fide* order of transfer issued by the petitioners for transferring the 1st respondent from Ernakulam to Thrissur.

4. Reading of Annexures A3 and A7 and the facts stated by the Tribunal in the impugned order would show that the continuance of the teacher in the Government College was not to the liking of a section of students and obviously to please the students, the local MLA made a recommendation to transfer the teacher. Although the second petitioner recommended against the transfer in very strong terms as per Annexures A3 and A7, still, the Minister for Education interfered with the matter and has issued the order. There is absolutely no public interest or exigencies of service which prompted the issuance of the impugned order of transfer and on the other hand, it was a clear case of *mala fide* exercise of power as rightly found by the Tribunal. We do not see any reason to interfere with the order of the Kerala Administrative Tribunal.

OP(KAT) is dismissed.

Sd/-
**ANTONY DOMINIC
JUDGE**

Sd/-
**ALEXANDER THOMAS
JUDGE**

Rp

//True Copy//

PA to Judge