

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 27TH DAY OF OCTOBER 2015/5TH KARTHIKA, 1937

RP.No. 468 of 2015 (W)

AGAINST THE JUDGMENT IN WP(C) 3589/2014 DATED 09-03-2015

REVIEW PETITIONER/2ND RESPONDENT :

**UNIVERSITY OF KERALA
REPRESENTED BY ITS REGISTRAR
THIRUVANANTHAPURAM UNIVERSITY CAMPUS.**

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS/PETITIONER & RESPONDENTS 1, 3 & 4 :

- 1. GRISHA ANAND
ASSISTANT PROFESSOR, DEPARTMENT OF ENGLISH
MILAD-E-SHERIEF COLLEGE, KAYAMKULAM
RESIDING AT 'ANANDA BHAVAN', ALUMPEEDIKA P.O.,
OACHIRA, KOLLAM- 695 502.**
- 2. PRINCIPAL
MILAD-E-SHERIEF MEMORIAL COLLEGE,
KAYAMKULAM - 690502.**
- 3. DEPUTY DIRECTOR OF COLLEGIATE EDUCATION
KOLLAM - 691 001.**
- 4. STATE OF KERALA
REPRESENTED BY SECRETARY TO THE GOVERNMENT
HIGHER EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM - 695001.**

**R1 BY ADV. SRI.S.MUHAMMED HANEEFF
R3 & R4 BY GOVT. PLEADER SRI. BIJU MEENATTOOR**

**THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 27-10-2015,
ALONG WITH RP NO. 469/2015 & RP NO. 470/2015,THE COURT ON THE SAME
DAY PASSED THE FOLLOWING:**

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APPENDIX

PETITIONERS' ANNEXURES :

ANNEXURE A1 : COPY OF THE LETTER NO. 28409/D1/2013/H.EDN DATED 12.9.2013 ISSUED BY THE 4TH RESPONDENT TO THE REVIEW PETITIONER.

ANNEXURE A2 COPY OF THE RELEVANT PORTION OF THE U.G.C. GUIDELINES ON (MINIMUM QUALIFICATIONS FOR APPOINTMENT OF TEACHERS AND OTHER ACADEMIC STAFF AND UNIVERSITIES AND COLLEGES AND MEASURES FOR MAINTENANCE OF STANDARDS IN HIGHER EDUCATION) 2010.

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

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A.MUHAMED MUSTAQUE, J.

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R.P No.470 of 2015

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Dated this the 27th day of October, 2015

J U D G M E N T

The University has come up with the review pointing out the impact of Chapter XIII of the Kerala University First Ordinance.

2. The issue pertains to assessment of work load in the affiliated colleges.

3. This Court in the judgment found that the subsequent amendment to the University Regulation cannot have a bearing in the matter, as appointment has been made prior to the amendment.

4. The University's case is that the 'First Ordinance' clearly stipulates that the total number of posts permissible shall be according to the workload and staff pattern under the UGC guidelines. The particular reference has been made with respect to Chapter XIII. 'Note' to Chapter XIII clause 3 of Kerala University First Ordinance provides that the work load of those who do not

come under the UGC scheme or are not eligible for UGC scale of pay shall also be in accordance with UGC guidelines. Admittedly, the University implemented UGC scale of pay only with effect from 26.10.2013. The staff pattern in the college was based on the work load in Ext. P5 in W.P.C No.10227 of 2014.

5. The learned counsel for the writ petitioner would submit that 'Note' as above would have an impact only when the UGC guidelines are implemented in the University and therefore any reference to the UGC guidelines may not have bearing in this matter unless the guidelines have been adopted and implemented by the University based on necessary amendment. On the other hand the learned Standing Counsel would submit that the ordinance would come into effect when UGC formulated the guidelines and this has to be read into the provisions of the university regulations by incorporation by reference. Therefore, it has statutory character and UGC guidelines has to be followed in reckoning work load in a particular teaching post.

6. It is to be noted that this Court has power of review only on limited ground. This Court already held that the subsequent amendment of the regulation cannot come to the aid of the

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university to say that UGC guidelines has to be followed reckoning the work load. Though there is no reference as to the impact of the first ordinance in the judgment, nevertheless this Court has taken a view that the subsequent amendment regulation would not have an impact. In that view of the matter, there is no scope for review as the judgment do not suffer from any error apparent on face of the record. In that view of the matter review petitions are dismissed. No costs.

sd/-

sab

A.MUHAMED MUSTAQUE, JUDGE