

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC  
&  
THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

W.A.No. 1399 of 2013 (T) IN WP(C).13954/2013  
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AGAINST THE JUDGMENT IN WP(C) 13954/2013 of HIGH COURT OF KERALA DATED 13-08-2013

APPELLANTS/RESPONDENTS 1 AND 2 IN THE WRIT PETITION:  
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1. SREE SANKARACHARYA UNIVERSITY OF SANSKRIT  
KALADY, REPRESENTED BY ITS REGISTRAR, KALADY  
ERNAKULAM DISTRICT-683 574.
2. THE VICE CHANCELLOR  
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY  
ERNAKULAM DISTRICT-683 574.

BY ADV. SRI.ARUN B.VARGHESE,SC, SREE SANKARACHAR

RESPONDENT/WRIT PETITIONER AND 3RD RESPONDENT IN THE WRIT PETITION.:  
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1. DR.JENNY RAPPAI  
ASSOCIATE PROFESSOR IN ENGLISH  
SREE SANKARACHARYA UNIVERSITY OF SANSKRIT, KALADY  
ERNAKULAM DISTRICT, PIN 683 574.
2. DR.N.PRASANTHA KUMAR  
PROFESSOR IN ENGLISH AND MEMBER OF THE SYNDICATE  
OF SREE SANKARACHARYA UNIVERSITY OF SANSKRIT  
KALADY, ERNAKULAM DISTRICT, PIN 683574.

R1 BY ADV. P.K.SEBASTIAN(NO MEMO)

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 29-05-2015, THE COURT  
ON THE SAME DAY DELIVERED THE FOLLOWING:

**ANTONY DOMINIC & SHAJI P. CHALY, JJ.**

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**Writ Appeal No.1399 of 2013**  
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**Dated this the 29<sup>th</sup> day of May, 2015**

**JUDGMENT**

**Antony Dominic, J.**

This appeal is filed by respondents 1 to 3 in Writ Petition No.13954/13. The said writ petition was filed by the first respondent herein, an Associate Professor in English in the Sree Sankaracharya University of Sanskrit. In the writ petition, she challenged Ext.P3 order issued by the University transferring her from Main Center of the University at Kalady to its Regional Center at Tirur in Malappuram district. By the impugned judgment, the learned Single Judge interfered with Ext.P3, primarily placing reliance on Section 14(2)(h) of the Sree Sankaracharya University of Sanskrit Act, 1994 (for short 'the Act') and holding that there was no sanctioned post of Associate Professor in the Regional Center at Tirur to transfer the first respondent.

2. In this appeal filed challenging this judgment, this Court passed an interim order dated 12.9.2013 staying the operation of the judgment and as a result, the first respondent was relieved from the main center and she had joined the Regional Center at Tirur. Subsequently, on 8.10.2013, this Court passed an interim order requiring the Vice Chancellor of the University to reconsider the matter. Accordingly, the matter was reconsidered and order dated 13.10.2013 was issued directing that as a special case considering the peculiar nature of the issue, the first respondent be transferred back to the main center. Accordingly, she joined the main center at Kalady and is working there since then.

3. In view of the above, it is not necessary for us to go into the merits of the controversy. However, counsel for the appellant has a grievance about the finding of the learned Single Judge that there was no sanctioned post in the Regional Center. According to the counsel, this finding is incorrect and can affect the University even in

future. Considering this submission made, we clarify that the said issue regarding the availability of post of Associate Professor in the Regional Center is left open and the finding in the judgment impugned will not be to the prejudice of the University.

Writ appeal is accordingly disposed of.

*Sd/-*  
**ANTONY DOMINIC**  
**JUDGE**

*Sd/-*  
**SHAJI P. CHALY**  
**JUDGE**

*jes*