

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 24TH DAY OF MARCH 2015/3RD CHAITHRA, 1937

WP(C).No. 1255 of 2013 (F)

PETITIONER :

**BIJU P.R,
AMRITHALAKSHMI, MANAKKARA, SASTHAMKOTTA,
KOLLAM DISTRICT, WORKING AS LIBRARIAN,
SREE AYYAPPA COLLEGE, ERAMALLIKKARA P.O.,
CHENGANNUR.**

BY ADV. SRI.T.R.RAVI

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
DEPARTMENT OF HIGHER EDUCATION,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM,
PIN -695 001.**
- 2. THE UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM -695 034,
REPRESENTED BY ITS REGISTRAR.**
- 3. DIRECTOR OF COLLEGIATE EDUCATION,
OFFICE OF THE DIRECTOR OF COLLEGIATE EDUCATION,
THIRUVANANTHAPURAM, PIN -695 001.**
- 4. TRAVANCORE DEVASWOM BOARD,
THIRUVANANTHAPURAM, REPRESENTED BY ITS SECRETARY,
PIN- 695 001.**
- 5. PRINCIPAL, SREE AYYAPPA COLLEGE,
ERAMALLIKKARA, CHENGANNUR-689 109.**

WP(C).NO.1255/2013

***ADDL.R6 IMPEADED**

***ADDL.R6: MAHESH.T.L., LAST GRADE STAFF,
D.B. PAMPA COLLEGE, PARUMALA, MANNAR.**

***ADDL.R6 IS IMPEADED AS PER ORDER DATED 12/03/2013 IN IA.NO.1927/2013**

**R1 & R3 BY GOVERNMENT PLEADER SMT.K.A.LOWSY
R2 BY ADV. SRI.BECHU KURIAN THOMAS, SC, UNIVERSITY OF KERALA
SRI.GEORGE POONTHOTTAM,SC,KERALA UTY.
R4 BY ADV. SRI.M.V.S.NAMBOOTHIRI, SC, TRAVANCORE DEVASWOM BOARD
SRI.G.BIJU,SC,TRAVANCORE DEVASWOM BOARD
ADDL.R6 BY ADV. SRI.G.D.PANICKER
SMT.JEENA JOSEPH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-03-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

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APPENDIX

PETITIONER(S) EXHIBITS

- EXHIBIT-P1: TRUE COPY OF THE CERTIFICATE ISSUED TO THE PETITIONER ON 10.12.2004.
- EXHIBIT-P2: TRUE COPY OF THE APPOINTMENT ORDER.
- EXHIBIT-P3: TRUE COPY OF THE PROPOSAL FOR APPROVAL.
- EXHIBIT-P4: TRUE COPY OF THE LETTER DATED 9.8.2012.
- EXHIBIT-P5: TRUE COPY OF THE STAFF PATTERN FIXATION ORDER DATED 5.11.2012.
- EXHIBIT-P6: TRUE COPY OF THE LETTER DATED 26.11.2012.
- EXHIBIT-P7: TRUE COPY OF THE REPRESENTATION SUBMITTED TO THE HON'BLE CHIEF MINISTER OF KERALA.
- EXHIBIT-P8: TRUE COPY OF THE REPRESENTATION SUBMITTED TO THE 1ST RESPONDENT.
- EXHIBIT-P9: TRUE COPY OF THE RELEVANT PAGES OF THE FINAL AGENDA FOR THE MEETING OF THE SYNDICATE HELD ON 14TH AND 15TH OF NOVEMBER, 2012.

RESPONDENTS' EXHIBITS:

- EXHIBIT R6(A): TRUE COPY OF THE PETITION WITH THE COVERING LETTER DATED 2/4/2008
- EXHIBIT R6(B): TRUE COPY OF THE G.O.(MS) NO.119/04/H.EDN DATED 17/9/2004
- EXHIBIT R6(C): TRUE COPY OF THE LETTER DATED 27/10/2011 SENT BY THE 3RD RESPONDENT.
- EXHIBIT R6(D): TRUE COPY OF THE REPLY DATED 13/12/2011 GIVEN BY THE PRINCIPAL, D.B PAMPA COLLEGE
- EXHIBIT R6(E): COPY OF THE QUESTIONS RAISED BEFORE THE 3RD RESPONDENT.
- EXHIBIT R6(F): COPY OF THE REPLY DATED 6/12/2011
- EXHIBIT R6(G): COPY OF THE REQUEST DATED 11/9/2012 WITH THE FORWARDING LETTER.

/TRUE COPY/

P.A.TO JUDGE

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A.MUHAMED MUSTAQUE, J.

W.P.(C) No.1255 of 2013

Dated this the 24th day of March, 2015

JUDGMENT

Read interim order dated 3.4.2014, wherein my learned brother P.N.Ravindran, J. had discussed in detail about the qualification required for the post of Librarian Grade-IV. It is noted that without amending the University Statute/Ordinance, the Government Order cannot be relied to deny the approval of such appointment.

2. It is admitted that the University found that there was no corresponding amendment to the University Statutes.

I do not find any reason to depart from the interim order. Accordingly, the interim order is made absolute and the writ petition is disposed of in the light of the interim order. Therefore, there shall be a direction to the third respondent to approve the appointment of the petitioner

with effect from the date of appointment and give all monetary benefits to the petitioner in accordance with law.

No costs.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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