

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE ANTONY DOMINIC
&
THE HONOURABLE SMT. JUSTICE P.VASHA

FRIDAY, THE 13TH DAY OF NOVEMBER 2015/22ND KARTHIKA, 1937

WA.No. 2259 of 2015 IN WP(C).19276/2015

AGAINST THE JUDGMENT IN WP(C) 19276/2015 of HIGH COURT OF KERALA DATED 30.6.2015

APPELLANT/PETITIONER:

MUHAMED FAZAL E.
CHAMMALIL HOUSE,
KOLAKATTUCHALI P.O.,
CHELEMBRA
MALAPPURAM-673 634

BY ADVS.DR.K.PSATHEESAN (SR.)
SRI.P.MOHANDAS (ERNAKULAM)
SRI.ANOOP.V.NAIR
SRI.S.VIBHEESHANAN

RESPONDENTS/RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY
HIGHER SECONDARY EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM-695 001.
2. UNIVERSITY OF CALICUT,
REPRESENTED BY ITS REGISTRAR, CALICUT UNIVERSITY PO
MALAPPURAM-673 635.
3. THE VICE CHANCELLOR
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY PO
MALAPPURAM-673 635.

R BY SR. GOVERNMENT PLEADER SRI.M.A.FAYAZ
R BY SRI.SANTHOSH MATHEW, SC, CALICUTY UNIVERSITY

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 13-11-2015, THE COURT
ON THE SAME DAY DELIVERED THE FOLLOWING:

WAno. 2259 of 2015
IN WP(C).19276/2015

APPENDIX

ANNEXURE 1: TRUE COPY OF THE JUDGMENT DATED 8.6.2015 IN W.P (C)33953/11.

ANNEXURE II: TRUE COPY OF THE COMMUNICATION ISSUED BY THE FIRST RESPONDENT TO THE 2ND RESPONDENT DATED 20.7.2015.

ANNEXURE III: TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 8.9.2015.

ANNEXURE IV: TRUE COPY OF THE ORDER ISSUED BY THE 2ND RESPONDENT DATED 8.9.2015.

// TRUE COPY //

PA. TO JUDGE

ANTONY DOMINIC & P.V.ASHA, JJ.

Writ Appeal No.2259 of 2015

Dated this the 13th day of November, 2015

JUDGMENT

Antony Dominic, J.

The appellant, who was a candidate for the post of Computer Programmer in the respondent University, sought extension of time to join the post till he completes Masters Degree in Engineering. That request made by the appellant was turned down by the University. Thereafter, the appellant made Ext.P8 representation to the Government and filed the writ petition. The writ petition was disposed of by the learned Single Judge upholding the decision of the University. Though the learned Single Judge directed consideration of his representation, the learned Single Judge clarified that the judgment shall not oblige the University to accept the decision of the Government on Ext.P8. It is stated that thereafter the Government considered his representation and passed an order in his favour. However, in view of the clarification in the judgment, the University refused to act upon the Government Order. It is, therefore, that the writ appeal has been filed mainly aggrieved by the clarification contained in the judgment to the above effect.

2. We heard the counsel for the appellant, learned Standing Counsel appearing for the University and the learned Government Pleader appearing for the respondent No.1.

3. Irrespective of the contentions raised in the appeal, Standing Counsel for the University has submitted before this Court that the post has already been filled up by the University. Even apart from that, as is evident from the pleadings itself at the time when the appellant got selected he was a second semester student of the Post Graduate degree, which means that the extension of time sought for by him was for a period of 1 ½ years. An appointing authority cannot wait for such a long period of time awaiting the arrival of a candidate selected by it.

4. We do not find any illegality in the decision taken by the University rejecting the request made by the appellant for extension of time till the completion of his course. In so far as the direction in the judgment that the decision on Ext.P8 would not oblige the University to act upon is concerned, we have not been shown any statutory provision obliging the University to do otherwise.

We do not find any substance in this appeal. Appeal fails and it is dismissed accordingly.

Sd/-
ANTONY DOMINIC
JUDGE

Sd/-
P.V.ASHA
JUDGE