

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC  
&  
THE HONOURABLE SMT. JUSTICE P.V. ASHA

FRIDAY, THE 30TH DAY OF OCTOBER 2015/8TH KARTHIKA, 1937

WA.No. 2371 of 2015 () IN WP(C).25051/2015

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AGAINST THE ORDER/JUDGMENT IN WP(C) 25051/2015 of HIGH COURT OF KERALA  
DATED 16-10-2015

APPELLANT(S)/RESPONDENTS:

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1. KERALA AGRICULTURAL UNIVERSITY  
KAU P O, VELLANIKKARA, THRISSUR DISTRICT  
PIN 680656, REP BY ITS REGISTRAR
  2. THE REGISTRAR  
KERALA AGRICULTURAL UNIVERSITY, KAU P O  
VELLANIKKARA, THRISSUR DISTRICT, PIN 680656

BY ADVS. SRI. O. V. RADHAKRISHNAN (SR.)  
SRI. BABU JOSEPH KURUVATHAZHA, SC

RESPONDENT(S)/PETITIONER:

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DR. P. NANDA KUMAR, PROFESSOR (ANIMAL BREEDING AND GENETICS)  
KERALA AGRICULTURAL UNIVERSITY, MANNUTHY  
THRISSUR DIST, PIN 680651

R BY SRI. P. RAVINDRAN (SR.)

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 30-10-2015, THE  
COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WA.2371/15

ANNEXURE A: TRUE COPY OF THE ORDER DATED 18.8.2015 IN WPC.25051/15 OF THIS  
HON'BLE COURT.

/TRUE COPY/

PS TO JUDGE

ANTONY DOMINIC & P.V.ASHA, JJ.

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W.A.No.2371 of 2015  
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Dated this the 30<sup>th</sup> day of October, 2015

JUDGMENT

Antony Dominic, J.

1. Heard learned senior counsel for the appellants and learned counsel appearing for the respondent writ petitioner.
2. Appellants are aggrieved by the interim order dated 16.10.2015 passed by the learned single Judge, requiring them to comply with order dated 18.8.2015 by accommodating the respondent as Professor (Animal Breeding and Genetics) at Mannuthy or in some other comparable post in that station itself. This order is now impugned mainly on the ground that there is no post of Professor (Animal Breeding and Genetics) available at Mannuthy and therefore, if the order is to be complied with, the appellant will have to be accommodated at Mannuthy without any work for him to discharge.
3. However, prima facie, we are not in a position to accept the above contention for the reason that as is seen from Exts.P1 and P2, promotion given to the

respondent is Career Advancement Promotion and persons like the respondent who joined as Assistant Professor, earn promotions as Associate Professor and then as Professor, irrespective of the availability of post but after completion of a specified period of service. Therefore, the contention regarding the absence of post prima facie does not appeal to us. Even otherwise, fact remains that the order requiring the retention of the appellant at Mannuthy in the post of professor (Animal Breeding and Genetics) was passed by this Court on 18.8.2015 and was extended on 17.9.2015. That order was sought to be vacated only in October, 2015 and that too, at a stage when the respondent complained to the learned single Judge regarding the non-compliance of the interim order. This shows that both merits and bonafides are lacking in the case canvassed by the appellants. We are not inclined to interfere with the impugned order.

Appeal fails and is accordingly dismissed.

Sd/-  
ANTONY DOMINIC, Judge.

Sd/-  
P.V.ASHA, Judge.

k kb.