

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

WEDNESDAY, THE 21ST DAY OF JANUARY 2015/1ST MAGHA, 1936

WP(C).No. 2066 of 2015 (G)

PETITIONERS:

1. SR.JESSY K P, AGED 43 YEARS
ASSISTANT PROFESSOR (MALAYALAM)
MORNING STAR HOME SCIENCE COLLEGE
ANGAMALY SOUTH P.O., KERALA 683573
2. THE MANAGER
MORNING STAR HOME SCIENCE COLLEGE
ANGAMALY SOUTH P.O., KERALA 683573

BY ADVS.SRI.ELVIN PETER P.J.
SRI.T.G.SUNIL (PRANAVAM)
SRI.K.R.GANESH

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY ITS SECRETARY
HIGHER EDUCATION DEPARTMENT, THIRUVANANTHAPURAM-695001.

R BY GOVERNMENT PLEADER SRI.V.VIJULAL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
21-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXT.P1: TRUE COPY OF M.A. DEGREE CERTIFICATE OF THE 1ST PETITIONER
ISSUED BY M.G. UNIVERSITY

EXT.P2: TRUE COPY OF M.PHIL DEGREE CERTIFICATE OF THE 1ST
PETITIONER ISSUED BY M.G. UNIVERSITY

EXT.P3: TRUE COPY OF NOTIFICATION DATED 14.6.2006 ISSUED BY THE
UNIVERSITY GRANTS COMMISSION

EXT.P4: TRUE COPY OF ORDER DATED 22.10.2005 ISSUED BY DEPUTY DIRECTOR
OF COLLEGIAE EDUCATION.

EXT.P5: TRUE COPY OF ORDER DATED 16.10.2006 ISSUED BY THE DEPUTY
DIRECTOR OF COLLEGIAE EDUCATION.

EXT.P6: TRUE COPY OF ORDER DATED 14.10.2008 ISSUED BY THE DEPUTY
DIRECTOR OF COLLEGIAE EDUCATION.

EXT.P7: TRUE COPY OF PH. D.DEGREE CERTIFICATE OF THE 1ST PETITIONER
ISSUED BY SREE SANKARACHARYA UNIVERISTY OF SANKRIT

EXT.P8: TRUE COPY OF ORDER DATED 14.2.2012 ISSUED BY THE DEPUTY
DIRECTOR OF COLLEGIATE EDUCATION

EXT.P9: TRUE COPY OF ORDER DATED 26.2.2013 ISSUED BY THE DEPUTY
DIRECTOR OF COLLEGIATE EDUCATION

EXT.P10: TRUE COPY OF THE 3RD PAGE OF TH SSLC BOOK OF THE 1ST
PETITIONER

EXT.P11: TRUE COPY OF THE SELECTION COMMITTEE MEETIN G HELD ON
29.1.2013

EXT.P12: TRUE COPY OF THE SELECTION CMITTEE MEETING HELD ON 29.1.2013

EXT.P13: TRUE COPY OF THE ORDER DATED 29.1.2013 ISSUED BY THE 2ND
PETITIONER

EXT.P14: TRUE COPY OF G.O. (M.S.) NO.18/2011 DATED 14.2.2011 ISSUED BY
THE RESPONDENT.

EXT.P15: TRUE COPY OF NOTIFICATION DATED 4.4.2000 ISSUED BY THE
UNIVERESITY GRANTS COMMISSION.

EXT.P16: TRUE COPY OF ORDER DATED 17.9.2014 ISSUED BY M.G. UNIVERSITY

EXT.P17: TRUE COPY OF NOTIFICATION DATED 13.6.2010 ISSUED BY THE
UNIVERSITY GRANTS COMMISSION

EXT.P18: TRUE COPY OF REPRESENTATION SUBMITTED BY THE 1ST PETITIONER
BEFORE THE RESPONDENT DATED 4.12.2014 (WITHOUT ENCLOSURES)

RESPONDENT(S) ' EXHIBITS

TRUE COPY

PA TO JUDGE

SCL.

A. MUHAMMED MUSTAQUE, J.

W.P.(C) No. 2066 of 2015

Dated this the 21st day of January, 2015.

JUDGMENT

The first petitioner is the Assistant Professor (Malayalam) in Morning Star Home Science College and the second petitioner is the Manager herein. On 1.5.2005, the first petitioner was appointed in a vacancy of Assistant Professor (Malayalam) due to the retirement of one Sunandakutty. During the year 2005, the Government had imposed a ban in filling up vacancies in Aided Colleges. On account of ban, it was only affected as guest lecturers. The petitioners submitted that by virtue of Ext.P3 notification issued by the U.G.C, the first petitioner is fully qualified to be appointed as Lecturer.

2. After lifting the ban, the manager invited applications for appointment to the post of the Assistant Professor in the year 2012. Pursuant to the selection conducted by the Selection Committee, the first petitioner was

appointed as Assistant Professor (Malayalam) by the second petitioner as per order dated 29.1.2013. As on the date of appointment, the petitioner was aged 43 years. The maximum age for the appointment was 40 years. The petitioners submitted that in the light of Ext.P14 order, the first petitioner may be granted exemption for upper age limit. The petitioner therefore filed Ext.P18 representation before the Government.

In the light of Ext.P14 order, there will be a direction to the respondent to consider Ext.P18 representation submitted by the petitioners within a period of three months, after affording an opportunity of being heard to the first petitioner.

Sd/-
A. MUHAMMED MUSTAQUE
JUDGE

Scl.