

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

FRIDAY, THE 23RD DAY OF JANUARY 2015/3RD MAGHA, 1936

WP(C).No. 2390 of 2015 (W)

PETITIONER(S) :

A. MURALIDHARAN
S/O.LATE P.BALAKRISHNAN NAIR, UD CLERK, NSS COLLEGE
NEMMARA, PALAKKAD DISTRICT.

BY ADVS.SRI.T.K.VIPINDAS
SRI.K.V.SREE VINAYAKAN
SRI.K.M.HASHIR
SRI.K.M.MUHAMMED HUSSAIN

RESPONDENT(S) :

1. STATE OF KERALA
REPRESENTED BY PRINCIPLE SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT
THIRUVANANTHAPURAM 695 001.

2. UNIVERSITY OF CALICUT,
REPRESENTED BY REGISTRAR, CALICUT UNIVESITY P.O.
PIN: 673 635.

3. DIRECTOR FOR COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM - 695 001

4. THE SECRETARY,
NSS COLLEGES, CENTRAL COMMITTEE, CHANGANASSERY
PIN:686 102.

5. P.MURALEEDHARAN,
U.D.TYPIST, NSS COLLEGE, OTTAPPALAM
PALAKKAD, PIN: 686 102.

6. P.SAJEENDRAN,
UD CLERK (HEAD ACCOUNTANT), NSS COLLEGE, MANJERI
PIN: 676 121.

7. SUMESH.A.N.,
UD CLERK, NSS COLLEGE, OTTAPALAM
PALAKKAD, PIN: 676 101.

8. V.MANIKANDAN,
UD CLERK, NSS COLLEGE, MANJERI
PIN: 676 121.

R BY GOVERNMENT PLEADER: SRI V VIJULAL SR.
R BY SRI.SANTHOSH MATHEW,SC,CALICUTY UNIVERS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-01-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS:

EXT P1: THE TRUE COPY OF THE ORDER NO.GA-II/F3/1810/2008 DATED 17/1/2009.

EXT P2: THE TRUE COPY OF THE CERTIFICATE DATED 6/10/1994 ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION.

EXT P3: THE TRUE COPY OF THE CERTIFICATE DATED 18/1/2000 ISSUED BY THE KERALA PUBLIC SERVICE COMMISSION

EXT P4: TRUE COPY OF THE PROCEEDINGS OF THE 4TH RESPONDENT DATED 29/5/2009

EXT P5: TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT DATED 11/3/2010.

EXT P6: THE TRUE COPY OF THE ORDER U.O.NO.4396/2013/CU DATED 28/9/2013.

EXT P7: THE TRUE COPY OF THE REPRESENTATION DATED 20/8/2013 SUBMITTED BY THE PETITIONER TO THE 2ND RESPONDENT.

EXT P8: THE TRUE COPY OF COPY OF THE COMMUNICATION ISSUED BY THE PRINCIPAL DATED BY THE PRINCIPAL DATED 20/8/2013 TO THE 2ND RESPONDENT

EXT P9: THE TRUE COPY OF THE ORDER DATED 5/5/2014 ISSUED BY THE 4TH RESPONDENT

EXT P10: THE TRUE COPY OF THE ORDER DATED 30/8/2014 ISSUED BY THE 4TH RESPONDENT

EXT P11: TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER DATED 28/10/2013.

EXT P12: THE TRUE COPY OF THE FORWARDING NOTE ISSUED BY THE PRINCIPAL, NSS COLLEGE, NEMMARA DATED 28/10/2013.

EXT P13: TRUE COPY OF THE LETTER ISSUED BY THE 2ND RESPONDENT TO THE 3RD RESPONDENT DATED 5/12/2013.

EXT P14: TRUE COPY OF THE COMMUNICATION DATED 1/1/2014 ISSUED FROM THE OFFICE OF THE MINISTRY OF EDUCATION TO THE PETITIONER

RESPONDENT(S) ' EXHIBITS:NIL

True Copy/

P A to Judge

A.MUHAMED MUSTAQUE, J.
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W.P(C).No.2390 of 2015
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Dated this the 23rd day of January, 2015

JUDGMENT

Petitioner entered in the service of NSS College as a last scale servant on 08.10.1992 and promoted as LD Typist on 20.12.1994. Petitioner submits that he was promoted as LD Clerk in the year 1998 by catertogy change. However, this proposal was not approved by the Director of Collegiate Education for want of provision in the University Statute. On account of this anomaly, petitioner continued as LD Typist and his juniors were promoted as UD clerks and Head Accountants. It is further submitted that his juniors in the cadre of last scale servant were promoted and petitioner been denied regular channel of promotion. Petitioner pointing out all the anomalies made Ext.P11 representation before the Chief Minister of Kerala. Thereafter, Honourable Chief Minister forwarded this matter to the third respondent by Ext.P13.

2. In view of pendency of Ext.P13, there shall be a direction to the third respondent to take appropriate decision on Ext.P13 after hearing the petitioner and all affected persons within a period of three months from the date of receipt of a copy of this judgment after affording an opportunity of hearing to the petitioner.

The Writ Petition is disposed of.

Sd/-
A.MUHAMED MUSTAQUE, JUDGE.

Sbna/23/01/15