

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

FRIDAY, THE 13TH DAY OF MARCH 2015/22ND PHALGUNA, 1936

WP(C).No. 2490 of 2015 (I)

PETITIONER :

**ADV. C.P.PEETHAMBARAN, AGED 51 YEARS,
S/O.LATE SHRI KRISHNAN NAMBIAR,
CHEMMENCHERRY PUTHIYA VEETIL, PRAPOYIL P.O.,
CHERUPUZHA, KANNUR DISTRICT.**

**BY ADVS.SRI.C.A.CHACKO
SMT.MINI.V.A.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE SECRETARY,
DEPARTMENT OF AGRICULTURAL, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 001**
- 2. KERALA AGRICULTURAL UNIVERSITY,
MAIN CAMPUS, VELLANIKKARA, THRISSUR - 680 656,
REPRESENTED BY ITS REGISTRAR.**
- 3. THE ASSOCIATE DEAN, COLLEGE OF AGRICULTURE,
PADANNAKAD P.O., KASARGOD DISTRICT - 671 314**

**R1 BY GOVERNMENT PLEADER SRI.R.RANJITH
R2 BY ADV. SRI.BABU JOSEPH KURUVATHAZHA,SC
R3 BY ADV.SRI.P.T.ABHILASH**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

PETITIONER(S)' EXHIBITS

- P1- TRUE COPY OF THE S.S.L CERTIFICATE OF THE PETITIONER'S DAUGHTER.
- P2- TRUE COPY OF THE CERTIFICATE ISSUED BY BOARD OF HIGHER SECONDARY EXAMINATION TO THE PETITIONER'S DAUGHTER
- P3- TRUE COPY OF THE DATA SHEET ISSUED BY THE COMMISSIONER OF ENGRANCE EXAMINATION
- P4- TRUE COPY OF THE ADMISSION CARD-CUM-BIODATA ISSUED BY THE 3RD RESPONDENT
- P5- TRUE COPY OF THE RECEIPT DATED 11.09.2014 SHOWING THE PAYMENT OF ADMISSION PLUS COURSE FEE ISSUED BY THE 3RD RESPONDENT
- P6- TRUE COPY OF THE APPLICATION DATED 8.10.2014 SENT BY THE PETITIONER UNDER RIGHT TO INFORMATION ACT TO THE 2ND RESPONDENT
- P7- TRUE COPY OF THE REPLY DATED 15.11.2014 ISSUED BY THE 2ND RESPONDENT
- P8- TRUE COPY OF THE REPLY DATED 29.09.2014 ISSUED BY THE 3RD RESPONDENT
- P9- TRUE COPY OF THE JUDGMENT DATED 17.11.2014 IN WP(C) NO.30436/2014 OF THIS HON'BLE COURT
- P10- TRUE COPY OF THE REPRESENTATION DATED 18.11.2014 SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT
- P11- TRUE COPY OF THE LETTER DATED 24.11.2014 ISSUED BY THE 2ND RESPONDENT
- P12- TRUE COPY OF THE REPLY GMEN BY 3RD RESPONDENT DATED 29.12.2014

RESPONDENT(S)' EXHIBITS:

NIL

/TRUE COPY/

P.S.TO JUDGE

K. Vinod Chandran, J.

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W.P.(C)No.2490 of 2015

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Dated this the 13th day of March 2015.

JUDGMENT

1. Petitioner, the father of a student, who is studying under the third respondent college, is aggrieved with the lack of faculty in the third respondent college. Petitioner prays that no more teachers be transferred out of the College. However, none of the teachers have been impleaded herein. Hence, no prayer, regarding interdiction of transfer, can be considered in the writ petition.
2. Petitioner relies on Ext.P11, which, according to the petitioner, is a communication issued by the University, admitting that, there is lack of faculty in the college. Petitioner, hence, seeks a direction from this Court to the first respondent to immediately take steps to get sanctioned posts and appoint teachers to the 3rd respondent.
3. At the outset, it is to be noticed that, Ext.P11 merely notices that there is dearth of teachers in the college, due to several factors and

the University is initiating every possible step to resolve the crisis, by engaging teaching assistants against the vacant posts of teachers on daily wage basis and by providing teachers, on working arrangement from the other colleges of the Kerala Agricultural University.

4. A counter affidavit too has been filed by the University, in which it is stated that the third respondent college is situated in a remote area and there is general disinclination for the staff to continue there. However, due to such reluctance expressed by the teaching staff, on recruitment, the University insists for five years service to be compulsorily undertaken by the teachers in the 3rd respondent college. It is also submitted that, every teacher, who has completed five years service, seeks for transfer to their opted stations and the University would have to consider the same, favourably. Definitely, a balancing consideration has to be brought in place, by the University, where sufficient teaching staff has to be provided to the

college as the interests of the students are to be protected.

5. It is specifically pointed out in the counter affidavit that, there is in existence 63 posts in the college of Agriculture at Padannakad, of which only 32 are sanctioned posts. The remaining posts, according to the University, were shifted from colleges of the University, during the inception of the college and later, as per the requirement of the college. It is also submitted that, the other campuses of the University at Vellayani and Vellanikkara, too face severe dearth of teachers. The dearth of faculty members alone will not result in a student being not given proper training, is the compelling contention of University. Definitely, on the available staff strength, the teachers would also rise to the occasion, to provide proper training to the students.
6. Petitioner, but for asserting that there is insufficient faculty in the third respondent college, has not put forth any reason to commend a positive direction from this Court. The pass percentage of the

college or any material on the performance of the students in the college, compared to other centres, is not produced herein.

7. On a reading of Ext.P11, as also the counter affidavit, this Court is of the opinion that the University is doing its mite in the given circumstances, to provide necessary teaching staff to the third respondent college, as also impart proper training to the students. This Court, exercising its extra-ordinary jurisdiction under Article 226, does not intend to issue any positive direction, since, the University has its own constraints in getting posts sanctioned from the Government and the Government too has to consider the same on various factors, including the financial implication to the State. It cannot also be forgotten that the professional studies, carried on in the colleges under the Universities in the State, as distinguished from self-financing colleges, is heavily subsidised; the brunt of the finance of which is borne by the State. Financial constraints, topographical limitations, academic necessities and so on and so forth regulating all

policy decisions are best left to the Government and the academic body for consideration. This Court would not interfere in such balancing consideration only at the instance of the parent of one student. The petitioner's concern is legitimate and reasonable, but that alone is insufficient to invoke the extra-ordinary jurisdiction under Article 226. For all the above reasons, the writ petition is devoid of merit and is dismissed.

K. Vinod Chandran, Judge.

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