

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 21ST DAY OF OCTOBER 2015/29TH ASWINA, 1937

WP(C).No. 16999 of 2005 (W)

PETITIONERS:

- 1. VIMALA ANNA JACOB, LECTURER SENIOR GRADE
DEPARTMENT OF ENGLISH, ST.MARY'S COLLEGE
MANARCADU, KOTTAYAM.**
- 2. MARIAMMA KURIAKOSE, LECTURER SENIOR GRADE
DEPARTMENT OF COMMERCE
ST. MARY'S COLLEGE, MANARCADU, KOTTAYAM.**
- 3. JIJI THOMAS, SR. LECTURER,
DEPARTMENT OF BOTANY, ST.MARY'S COLLEGE, MANARCADU
KOTTAYAM.**

**BY ADVS.SRI.K.M.KURIAN
SRI.P.VIJAYAKUMAR**

RESPONDENTS:

- 1. THE MANAGER, ST. MARY'S COLLEGE,
MANARCADU, KOTTAYAM.**
- 2. M.G. UNIVERSITY
REPRESENTED BY ITS REGISTRAR
PRIYADARSINI HILLS P.O., KOTTAYAM.**
- 3. THE STATE OF KERALA
REPRESENTED BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF HIGHER EDUCATION
SECRETARIAT, THIRUVANANTHAPURAM.**
- 4. DIRECTOR OF COLLEGIATE EDUCATION
VIKAS BHAVAN, PMG JUNCTION, THIRUVANANTHAPURAM.**
- 5. THE DIRECTOR OF VOCATIONAL HIGHER
SECONDARY DUCATION, THIRUVANANTHAPURAM.**

**BY SRI. T.A. SHAJI, SC, M.G.UNIVERSITY
BY GOVERNMENT PLEADER SRI.T.R. RAJESH
BY SRI.VARUGHESE M.EASO, SC, M.G. UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21-10-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER'S EXHIBITS :-

- EXT.P1 (A) - COPY OF THE APPOINTMENT ORDER ISSUED TO THE FIRST PETITIONER.
- EXT.P1 (B) - COPY OF THE APPOINTMENT ORDER ISSUED TO THE SECOND PETITIONER.
- EXT.P1 (C) - COPY OF THE APPOINTMENT ORDER ISSUED TO THE THIRD PETITIONER.
- EXT.P2 - COPY OF THE CERTIFICATE ISSUED BY THE PRINCIPAL, ST. MARY'S COLLEGE, MANARCADU.
- EXT.P3 - COPY OF GO(P) NO.171/H.ED. ISSUED BY THE THIRD RESPONDENT.
- EXT.P4 - COPY OF GO(MS) NO.4/H.ED. ISSUED BY THE THIRD RESPONDENT.
- EXT.P5 (A) - COPY OF REDEPLOYMENT ORDER ISSUED TO FIRST PETITIONER WITH RELEVANT APPENDIX.
- EXT.P5 (B) - COPY OF REDEPLOYMENT ORDER ISSUED TO SECOND PETITIONER WITH RELEVANT APPENDIX.
- EXT.P5 (C) - COPY OF REDEPLOYMENT ORDER ISSUED TO THIRD PETITIONER WITH RELEVANT APPENDIX.
- EXT.P6 (A) - COPY OF THE REPRESENTATION SENT BY THE FIRST PETITIONER.
- EXT.P6 (B) - COPY OF THE REPRESENTATION SENT BY THE SECOND PETITIONER.
- EXT.P6 (C) - COPY OF THE REPRESENTATION SENT BY THE THIRD PETITIONER.

RESPONDENTS' EXHIBITS:- NIL

//TRUE COPY//

P.A. TO JUDGE

K. VINOD CHANDRAN, J.

W.P(C). No.16999 of 2005

Dated this the 21st day of October, 2015.

JUDGMENT

The petitioners are Lecturers in the 1st respondent College affiliated to the 2nd respondent University. The controversy raised in the above writ petition is with respect to their re-deployment; on Pre-Degree being delinked from the College and introduced in the Higher Secondary Section of Schools. The petitioners were re-deployed to the Higher Secondary Sections of the Corporate Management by Ext.P5 series orders.

2. The submission of the petitioners before this Court is that, they were not excess and there was sufficient workload in the College, even after delinking Pre-Degree, to accommodate the petitioners herein. Ext.P2 Certificate issued by the college confirms the same. In any event, all the petitioners have been continued in the College as per the interim order of this Court

and one is said to be posted as a Head of the Department and the other two are the Senior most in their respective Departments, as of now.

In such circumstance of the redeployment order having been stayed for the past ten years, there is absolutely no scope for any consideration on merits. The petitioners are declared as entitled to be continued in the posts, despite the fact that the Government has in their Counter Affidavit said that there are no sufficient vacancies. It is for the University to decide on the workload and there being no contrary orders from the University, the petitioners are deemed to be continued properly and legally in their posts.

The writ petition would stand allowed. No costs.

Sd/-

**K. VINOD CHANDRAN,
JUDGE.**

//True Copy//

P.A. to Judge.

sp/26/10/15