

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 3RD DAY OF MARCH 2015/12TH PHALGUNA, 1936

WP(C).No. 8224 of 2014 (C)

PETITIONER(S) :

D. JAYAPRASAD,
S/O. LATE DAMODHARAN NAIR, PRINCIPAL
SREEKRISHNA COLLEGE, GURUVAYUR, THRISSUR DISTRICT
RESIDING AT GAYATHRI, LENIN NAGAR, POONKUNNAM
THRISSUR.

BY ADV. SRI.B.MOHANLAL

RESPONDENT(S) :

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO GOVERNMENT,
HIGHER EDUCATION DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF COLLEGIATE EDUCATION,
VIKAS BHAVAN, THIRUVANANTHAPURAM- 695 033.

R3 BY ADV. GOVERNMENT PLEADER SMT.SUNITHA VINOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
03-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S) ' EXHIBITS

EXHIBIT-P1-TRUE COPY OF THE RELEVANT PAGES OF THE G.O (P)
58/2010/H.EDN. DATED 27/03/2010 ISSUED BY THE 1ST RESPONDENT.
EXHIBIT-P2-TRUE COPY OF THE STATEMENT OF FIXATION DATED 06/05/2010 OF
THE PETITIONER COUNTERSIGNED BY THE 3RD RESPONDENT.
EXHIBIT-P3-TRUE COPY OF THE ORDER NO. EC 1/6793/11 DATED 26/12/2012
ISSUED BY THE ADMINISTRATOR, GURUVAYUR DEVASWOM TO THE PETITIONER.
EXHIBIT-P4-TRUE COPY OF THE U.O NO. 1175/2013/CU DATED 11/04/2013
ISSUED BY THE CALICUT UNIVERSITY TO THE PETITIONER.
EXHIBIT-P5-TRUE COPY OF THE RE-FIXATION OF PAY OF THE PETITIONER TO
THE POST OF PRINCIPAL WITH EFFECT FROM 27/12/2012 SANCTIONED BY THE
3RD RESPONDENT.
EXHIBIT-P6-TRUE COPY OF THE G.O(MS) 684/2013/H.EDN. DATED 05/11/2013
ISSUED BY THE 1ST RESPONDENT.
EXHIBIT-P7-TRUE COPY OF THE INTERIM ORDER DATED 20/12/2013 IN W.P(CV)
31890/2013 OF THIS HONOURABLE COURT.

RESPONDENT(S) ' EXHIBITS

EXT.R3(A): TRUE COPY OF THE GO (MS) 155/2014/H.EDN. DATED 31/3/2014.

EXT.R3(B): TRUE COPY OF THE CIRCULAR NO. UGC
CELL/3/17710/2010/CELL;.EDN. (2) DATED 17/3/2014

EXT.R3(C): RUE COPY OF THE LETTER NO E3.2059/2014 DATED 8/4/2014.

ERXT.R(D): TRUE COPY OF THE LETTER NO. E3-2059/2014 DATED 23/06/2014.

EXT.R3(E): TRUE COPY OF THE LETTER NO. B5/4091/2014 DATED 4/7/2014.

EXT.R3(F): RU COPY OF THE LETTER NO. B5-4281/2014 DATED 11/7/2014.

/TRUE COPY/ PS TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 8224 OF 2014

Dated this the 3rd day of March, 2015

JUDGMENT

The petitioner has been appointed as the Principal in Sreekrishna College, Guruvayur, which is a Post Graduate College, with effect from 27/12/2012. The petitioner approached this Court aggrieved by Ext.P6 order declining special allowance on account of the fact that the petitioner does not possess Ph.D.degree. The petitioner relies on the judgment of this Court in W.P.(C) No.6775/2014. He also relies on Ext.R3(a) dated 31/3/2014 produced by the 3rd respondent along with the counter affidavit.

2. The Government Order produced as Ext.R3(a) clearly indicates that the Government extended the benefit of special allowance to all those who have appointed to the post of Principal without Ph.D. degree between the period from 1/3/2010 and 5/11/2013.

3. In view of the above fact as well as in the light of the judgment of this Court in W.P.(C) No.6775/2014, this writ petition is allowed. There shall be a direction to the 2nd respondent- the Director of Collegiate Education, to pay the

special allowance to the petitioner at the rate applicable from the current month onwards. Arrears of special allowance shall be paid to the petitioner within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/True copy/ PS to Judge.

dpk