

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 17TH DAY OF MARCH 2015/26TH PHALGUNA, 1936

WP(C).No. 8184 of 2015 (W)

PETITIONER(S):

1. **SUBEENA H.,**
ASST. PROFESSOR IN ELECTRONICS AND COMMUNICATION
ENGINEERING, COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT THUTHIKKAD, PONNAD P.O.,
MANNANCHERRY, ALAPPUZHA.
2. **PREETHY MOL P.M.,**
ASST. PROFESSOR IN ELECTRONICS AND COMMUNICATION
ENGINEERING, COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT SALIL BHAVAN, ASRAMAM WARD,
AVALOOKKUNNU P.O, ALAPPUZHA.
3. **UNNIKRISHNAN P.,**
ASST. PROFESSOR IN ELECTRONICS AND COMMUNICATION
ENGINEERING, COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT SOUBHAGYA, ARAVUKAD, PUNNAPRA P.O.,
ALAPPUZHA.
4. **GLAXO V.,**
ASST. PROFESSOR IN ELECTRONICS AND COMMUNICATION
ENGINEERING, COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT GEETHAM, PUTHIAVILA P.O.,
KAYAMKULAM, ALAPPUZHA.
5. **SARATH R.,**
ASST. PROFESSOR IN ELECTRONICS AND COMMUNICATION
ENGINEERING, COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT LAVANYA, NOORANAD P.O, NOORANAD,
ALAPPUZHA.
6. **VIVEK V.S.,**
ASST. PROFESSOR IN ELECTRONICS AND COMMUNICATION
ENGINEERING, COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT SOPANAM, MUTHALICHIVILAKAM,
MALAYAM P.O, THIRUVANANTHAPURAM.
7. **AKHILA MOHAN,**
ASST. PROFESSOR IN ELECTRONICS AND COMMUNICATION
ENGINEERING, COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT SAKETHAM, PAZHAVEED P.O.,
ALAPPUZHA.

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8. HYDERALI CHEVIDIKKUNNAN,
ASST. PROFESSOR IN ELECTRICAL AND ELECTRONICS ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT MELEKOZHICHIRI HOUSE,
MEMATTUPARA, KANNAMANGALAM P.O, MALAPPURAM.
9. VANDANA GOVINDAN T.K.,
ASST. PROFESSOR IN ELECTRICAL AND ELECTRONICS ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT MEDAVILA, PRA-6, TC 12/472-11,
POOCHEDIVILA, PATTOM P.O, THIRUVANANTHAPURAM.
10. ARYA S.MOHAN,
ASST. PROFESSOR IN ELECTRICAL AND ELECTRONICS ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT KALEKATTU, NEERKUNNAM, AMC P.O.,
ALAPPUZHA.
11. NEERAJA NARAYANAN,
ASST. PROFESSOR IN ELECTRICAL AND ELECTRONICS ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT GANAPATHYKATTU,
KURUPPANKULANGARA P.O, CHERTHALA, ALAPPUZHA.
12. SANTHY VISWAM,
ASST. PROFESSOR IN INFORMATION TECHNOLOGY,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT LAL BHAVANAM, ERIKAVU P.O.,
KARTHIKAPALLY, ALAPPUZHA.
13. SREELEKSHMI A.N.,
ASST. PROFESSOR IN INFORMATION TECHNOLOGY,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT VARAVILA, KAPPIL EAST,
KRISHNAPURAM P.O, KAYAMKULAM, ALAPPUZHA.
14. ZAHEER A.JAUHAR,
ASST. PROFESSOR IN INFORMATION TECHNOLOGY,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT "GAZAL", 24/461 B, ALISSERY WARD,
ALAPPUZHA.
15. SARISH S.,
ASST. PROFESSOR IN APPLIED SCIENCE AND HUMANITIES,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT PONNASSERIL HOUSE,
MUTHUKULAM SOUTH P.O, ALAPPUZHA.
16. SHAHINA M.S.,
ASST. PROFESSOR IN APPLIED SCIENCE AND HUMANITIES,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT NELLIKKUNNAM HOUSE, PURAKKAD P.O.,
AMABALAPPUZHA, ALAPPUZHA.

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17. ANCY P.P.,
ASST. PROFESSOR IN APPLIED SCIENCE AND HUMANITIES,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT PUTHENPURACKAL, CHETHY P.O.,
ALAPPUZHA.
18. HONEY ANGEL JOSE,
ASST. PROFESSOR IN APPLIED SCIENCE AND HUMANITIES,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT THEKKUMURI HOUSE,
SANATHANAM WARD, ALAPPUZHA.
19. SURYAKALA S.,
ASST. PROFESSOR IN APPLIED SCIENCE AND HUMANITIES,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT ARUN NIVAS, KOMANA,
AMABALAPPUZHA, ALAPPUZHA.
20. NAVANEETH HARIDASAN,
ASST. PROFESSOR IN MECHANICAL ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT SHAMOM, MANNANCHERRY P.O.,
ALAPPUZHA.
21. BINU BOSE V.,
ASST. PROFESSOR IN MECHANICAL ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT CHAPPRAYILL, MAHADEVIKADU P.O.,
KARTHIGAPPALLY, HARIPAD, ALAPPUZHA.
22. RAHUL R.,
ASST. PROFESSOR IN MECHANICAL ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT PALAPPARAMPIL HOUSE,
THUMPOLY P.O, ALAPPUZHA.
23. ANEES P.,
ASST. PROFESSOR IN MECHANICAL ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT ANWAR MANSION,
THRICHATTUKULAM P.O, CHETHALA, ALAPPUZHA.
24. MARIAM M. KASSIM,
ASST. PROFESSOR IN COMPUTER SCIENCE AND ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT MEFA VILLA, THIRUVAMBADY P.O.,
ALAPPUZHA.

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25. HEMA H.,
ASST. PROFESSOR IN COMPUTER SCIENCE AND ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT 'CHAITHANYA', PATHIYOOR WEST,
KAREELAKULANGARA P.O, KAYAMKULAM, ALAPPUZHA.
26. SHAJAN G.S.,
ASST. PROFESSOR IN COMPUTER SCIENCE AND ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT S.R.NIVAS, EITHUKONDAKANI,
AMARAVILA P.O, THIRUVANANTHAPURAM.
27. BINOD CHANDRAN,
ASST. PROFESSOR IN CIVIL ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT CHANDRAKANTHAM, VANDANAM P.O.,
ALAPPUZHA.
28. VISHNUMAYA L.,
ASST. PROFESSOR IN CIVIL ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT CHITRA BHAVAN, ANJILIPRA,
THATTARAMPALAM P.O, MAVELIKARA.
29. REKHA K.NAIR,
ASST. PROFESSOR IN CIVIL ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT SAROJ BHAVAN, PNRA-110,
PAZHAVEEDU P.O, ALAPPUZHA.
30. ROOPA V.,
ASST. PROFESSOR IN CIVIL ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT RAMLEELA, KUMARAPURAM P.O,
HARIPAD, ALAPPUZHA.
31. RAJALAKSHMI P.,
ASST. PROFESSOR IN CIVIL ENGINEERING,
COLLEGE OF ENGINEERING & MANAGEMENT,
PUNNAPRA RESIDING AT PALAZHI, PUNNAPRA P.O,
ALAPPUZHA.

BY ADV. SRI.PRATHEESH.P
SMT.SEETHA.S.

RESPONDENT(S):

1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF HIGHER EDUCATION, GOVERNMENT OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM-695 001.

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2. THE DIRECTOR,
CO-OPERATIVE ACADEMY OF PROFESSIONAL EDUCATION (CAPE),
CO-BANK TOWERS, 1ST FLOOR, VIKAS BHAVAN P.O.,
THIRUVANANTHAPURAM-695 033.
3. THE PRINCIPAL,
COLLEGE OF ENGINEERING & MANAGEMENT, VADAKKAL P.O.,
PUNNAPRA, ALAPPUZHA-688 004.

R1 BY SR GOVERNMENT PLEADER SRI.V.VIJULAL
R2 & R3 BY ADV.SMT. P.VIJAYAMMA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 17-03-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

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APPENDIX

PETITIONER(S)' EXHIBITS

- EXT P1 : THE COPY OF THE GO(MS)NO.552/2014/H.EDN DATED 19-07-2014.
- EXT P2 : THE COPY OF THE REPRESENTATION FILED BY THE 1ST PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (A): THE COPY OF THE REPRESENTATION FILED BY THE 2ND PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (B): THE COPY OF THE REPRESENTATION FILED BY THE 3RD PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (C): THE COPY OF THE REPRESENTATION FILED BY THE 4TH PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (D): THE COPY OF THE REPRESENTATION FILED BY THE 5TH PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (E): THE COPY OF THE REPRESENTATION FILED BY THE 6TH PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (F): THE COPY OF THE REPRESENTATION FILED BY THE 7TH PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (G): THE COPY OF THE REPRESENTATION FILED BY THE 8TH PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (H): THE COPY OF THE REPRESENTATION FILED BY THE 9TH PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (I): THE COPY OF THE REPRESENTATION FILED BY THE 10TH PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (J): THE COPY OF THE REPRESENTATION FILED BY THE 11TH PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (K): THE COPY OF THE REPRESENTATION FILED BY THE 12TH PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (L): THE COPY OF THE REPRESENTATION FILED BY THE 13TH PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (M): THE COPY OF THE REPRESENTATION FILED BY THE 14TH PETITIONER BEFORE THE 3RD RESPONDENT.
- EXT P2 (N): THE COPY OF THE REPRESENTATION FILED BY THE 15TH PETITIONER BEFORE THE 3RD RESPONDENT.

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- EXT P2 (O): THE COPY OF THE REPRESENTATION FILED BY THE 16TH PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (P): THE COPY OF THE REPRESENTATION FILED BY THE 17TH PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (Q): THE COPY OF THE REPRESENTATION FILED BY THE 18TH PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (R): THE COPY OF THE REPRESENTATION FILED BY THE 19TH PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2(S) : THE COPY OF THE REPRESENTATION FILED BY THE 20TH PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (T): THE COPY OF THE REPRESENTATION FILED BY THE 21ST PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (U): THE COPY OF THE REPRESENTATION FILED BY THE 22ND PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (V): THE COPY OF THE REPRESENTATION FILED BY THE 23RD PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (W): THE COPY OF THE REPRESENTATION FILED BY THE 24TH PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (X): THE COPY OF THE REPRESENTATION FILED BY THE 25TH PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (Y): THE COPY OF THE REPRESENTATION FILED BY THE 26TH PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (Z): THE COPY OF THE REPRESENTATION FILED BY THE 27TH PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (AA): THE COPY OF THE REPRESENTATION FILED BY THE 28TH PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (BB): THE COPY OF THE REPRESENTATION FILED BY THE 29TH PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (CC): THE COPY OF THE REPRESENTATION FILED BY THE 30TH PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P2 (DD): THE COPY OF THE REPRESENTATION FILED BY THE 31ST PETITIONER BEFORE THE 3RD RESPONDENT.**
- EXT P3 : THE COPY OF THE LETTER NO.6764/B1/2011/H.EDN DATED 13-01-2015 ISSUED BY THE ADDL.CHIEF SECRETARY TO GOVERNMENT.**

RESPONDENT(S)' EXHIBITS: NIL

/TRUE COPY/

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P.A.TO.JUDGE

A.MUHAMED MUSTAQUE, J.

W.P.(C).No.8184 of 2015

Dated this the 17th day of March, 2015

J U D G M E N T

The petitioners are working in different colleges under the Co-operative Academy of Professional Education (CAPE). The petitioners rely on Ext.P1 Government order, wherein the Government directed that there should be a minimum contract period for the faculty at least for three years and statutory benefits like Maternity Leave, ESI, EPF, CPF should be given to the teaching staff. The request of the petitioners is that the same should also be made applicable to the teaching staff working under the CAPE. The petitioners made a representation before the 3rd respondent. It is on account of the non-consideration of the representations, the petitioners have approached this Court.

2. In this matter a decision has to be taken by the 2nd respondent in the light of Government Order. Therefore, there shall be a direction to the 2nd respondent to take a decision in the matter within a period of six weeks in the

light of Ext.P1 Government Order and communicate the same to the petitioners. Till then the petitioners shall not be terminated from the service.

The writ petition is disposed of as above.

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**A.MUHAMED MUSTAQUE,
JUDGE**

jm/