

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 2ND DAY OF FEBRUARY 2015/13TH MAGHA, 1936

WP(C).No. 14836 of 2009 (Y)

PETITIONER(S) :

DR.M.P.KANNAN, S/O.M.P.KANNAN PANICKER,
PROFESSOR, DEPARTMENT OF CHEMISTRY, UNIVERSITY OF
CALICUT, CALICUT UNIVERSITY P.O., THENHIPALAM,
MALAPPURAM DISTRICT.

BY ADV. SRI.R.RAMADAS

RESPONDENT(S) :

1. UNIVERSITY OF CALICUT,
REPRESENTED BY ITS REGISTRAR.

2. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, DEPARTMENT OF HIGHER
EDUCATION, SECRETARIAT, THIRUVANANTHAPURAM.

3. THE UNION OF INDIA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, MINISTRY OF HUMAN
RESOURCES AND DEVELOPMENT, CENTRAL SECRETARIAT
NEW DELHI.

4. THE UNIVERSITY GRANTS COMMISSION,
REPRESENTED BY ITS SECRETARY, BAHADURSHAH ZAFAR, MARG
NEW DELHI-110 002.

SRI.N.NAGARAJ (ASST.S.G.)
R,R3 BY ADV. SRI.T.P.M.IBRAHIM KHAN,ASST.S.G
BY SANTHOSH MATHEW S.C.
R BY SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR
R BY SRI.P.C.SASIDHARAN, SC, CALICUT UTU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
02-02-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC NO.14836/2009

APPENDIX

PETITIONER'S EXHIBITS;

EXT.P1: COPY OF BRIEF RESUME OF THE PETITIONER.

EXT.P2: COPY OF THE RELEVANT PORTION OF THE RECOMMENDATIONS OF THE 6TH PAY REVIEW COMMITTEE.

EXT.P3: COPY OF THE GOVERNMENT OF INDIA (MHRD) LETTER DATED 31/12/2008

EXT.P4: COPY OF THE GOVERNMENT OF INDIA (MHRD) LETTER DATED 23/3/2007

EXT.P5: COPY OF THE UGC LETTER DATED FEBRUARY 2009.

EXT.P6: COPY OF THE RELEVANT PORTION OF THE NOTES ON AGENDA FOR THE MEETING OF THE GOVERNING COUNCIL OF KSHEC.

EXT.P6(A): COPY OF THE RELEVANT PORTION OF THE MINUTES OF THE MEETING OF THE GOVERNING COUNCIL OF KSHEC.

EXT.P7: COPY OF THE ANSWER GIVEN BY HON MINISTER OF EDUCATION TO A SUBMISSION IN THE 12TH LEGISLATIVE ASSEMBLY.

EXT.P7(A): COPY OF THE RELEVANT PORTION OF THE BUDGET SPEECH MADE BY HON. MINISTER OF FINANCE.

EXT.P8: COPY OF THE REPRESENTATION MADE BY THE PETITIONER TO THE STATE GOVERNMENT.

EXT.P9: COPY OF THE INTERIM ORDER DATED 29/3/1999 PASSED BY HON' HIGH COURT OF KERALA IN O.P. NO.5176/99.

EXT.P9(A): COPY OF THE ORDER DT. 30/06/1999 PASSED BY THIS HON'BLE COURT IN O.P. NO.5176/99.

EXT.P9(B): COPY OF THE INTERIM ORDER DATED 1/7/1999 PASSED BY HON. HIGH COURT OF KERALA IN O.P. NO. 5645/99.

RESPONDENTS EXHIBITS: NIL

/TRUE COPY/

P.S. TO JUDGE.

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.14836 OF 2009

Dated this the 2nd day of February, 2015

JUDGMENT

This writ petition is filed seeking the following reliefs;

“(i). declare that the petitioner is entitled to continue in service till he attains the age of 65 years, i.e. up to 31/5/2014 in the light of Exhibits P3 and P5.

(ii). Issue a writ of mandamus or any other order or direction commanding the respondents to permit the petitioner to continue in service till he attains the age of 65 years.”

2. The petitioner's case is that in the light of UGC scheme, he is entitled to continue in service till age of 65. It is submitted that the University is bound to implement the same. The learned Standing Counsel for the University relied on the decision of this Court in Mathai M.M. v. Elixabath Xavier and Others (2011 (2) KHC 387) . In that decision, this court held that court cannot interfere with the policy decision. It is further held that UGC does not have any power to prescribe age of retirement of teaching staff in Colleges affiliated to Universities.

In the light of the above judgment, I do not find any merit in the writ petition. The writ petition is, accordingly, dismissed. No costs.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/true copy/

PS to Judge.