

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 23RD DAY OF JUNE 2015/2ND ASHADHA, 1937

WP(C).No. 10968 of 2014 (U)

PETITIONER(S)/PETITIONER:

**DR. ZUBAIR.M. AGED 46 YEARS
ASSISTANT PROFESSOR, DEPARTMENT OF ZOOLOGY
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P O**

**BY ADVS.SRI.SIRAJ KAROLY
SMT.A.SEENA**

RESPONDENT(S)/RESPONDENTS:

- 1. THE REGISTRAR
UNIVERSITY OF CALICUT, CALICUT UNIVERSITY P O- 674 833**
- 2. CALICUT UNIVERSITY, REPRESENTED BY ITS
REGISTRAR, CALICUT UNIVERSITY PO - 674 833**
- 3. STATE OF KERALA
REP BY THE SECRETARY, HIGHER EDUCATION DEPARTMENT
THIRUVANANTHAPURAM, KERALA- 695 001**

**R BY GOVERNMENT PLEADER,SMT. M.J RAJASREE
R BY SRI.SANTHOSH MATHEW,SC,CALICUTY UNIVERSITY**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
23-06-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

EXHIBIT P1: TRUE COPY OF THE APPLICATION DTD 15/9/2012

EXHIBIT P2:- TRUE COPY OF THE LETTER ADDRESSED BY THE IST RESPONDENT
TO THE CONCERNED OFFICIALS DTD 4/7/2012

EXHIBIT P3:- TRUE COPY OF THE ORDER DTD 10/12/2012

EXHIBIT P3(A):-TRUE COPY OF THE EXTRACT OF THE SUNDICATE MEETING DTD
15/11/2012

EXHIBIT P4:- TRUE COPY OF THE APPLICATION DTD 5/3/2014 TO RECONSIDER HIS
REQUEST

RESPONDENT'S EXHIBITS:-

NIL

// True copy //

PA to Judge

das

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 10968 of 2014

Dated this the 23rd day of June, 2015

JUDGMENT

The petitioner, who is working as an Assistant Professor in the Department of Zoology under the 1st respondent, had service as a Research Assistant. The contention of the petitioner in the writ petition is that, he was working as a technician in the department, and the qualification required for the post of technician is such as would qualify the petitioner for treatment as a research assistant, for counting his service in that post for the purposes of the career advancement scheme, that is in vogue in the respondent University. Although the petitioner had preferred Ext.P1 application before the 1st respondent, the same was turned down by Ext.P3 order, which only states that his request, for counting past service as technician in the department of zoology as research experience equivalent to teaching experience, for appointment to teaching posts and for promotion under career advancement scheme, cannot be considered. The case of the petitioner in the writ petition is, essentially, that Ext.P3 is a non-speaking order, and if the respondents had to reject the application preferred by the petitioner, then the same should have been supported by valid reasons.

2. I have heard the counsel for the petitioner and also the learned Standing Counsel for the respondents.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, I find that inasmuch as Ext.P3 order does not contain any reasons to support the decision contained therein, it must necessarily be quashed as a non-speaking order. The petitioner having sought for counting his past service as technician, as research experience equivalent to teaching experience for the purposes of career advancement scheme, has a right to be informed of the reasons as to why the said contentions of the petitioner cannot be accepted by the University. Inasmuch as this has not been done in Ext.P3, the said order cannot be legally sustained. I therefore, allow the writ petition by quashing Ext.P3 order and directing the 2nd respondent University to reconsider Ext.P1 application submitted by the petitioner, and pass a detailed order thereon, with reasons, within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE