

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

TUESDAY, THE 6TH DAY OF JANUARY 2015/16TH POUSHA, 19361

WP(C).No. 14465 of 2013 (G)

PETITIONER :

**V. ANUPAMA
D/O.K.VIKRAMADITHYAN,
AGED 36 YEARS, LECTURER (ENGLISH)
N.S.S.COLLEGE COMMITTEE
CHANGANACHERY-2 (RESIDING AT AKSHARA, 37/654
THRIKUMARAKUDAM, P.O. AYYANTHOLE
THRISSUR DISTRICT-680 003.**

**BY ADVS.SRI.V.A.MUHAMMED
SRI.K.E.HAMZA**

RESPONDENT(S) :

- 1. THE STATE OF KERALA
REPRESENTED BY THE SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT, SECRETARIAT
THIRUVANANTHAPURAM-695001.**
- 2. THE DIRECTOR OF COLLEGIATE EDUCATION
VIKKAS BHAVAN, THIRUVANANTHAPURAM-695033.**
- 3. THE MAHATMA GANDHI UNIVERSITY
REPRESENTED BY ITS REGISTRAR AT PRIYADARSINI HILLS
KOTTAYAM-686 560.**
- 4. THE MANAGER/SECRETARY
N.S.S.COLLEGES' CENTRAL COMMITTEE,
CHANGANACHERY-2.**
- 5. THE PRINCIPAL
S.V.R.N.S.S. COLLEGE, VAZHOOR,
THEERTHAPADAPURAM P.O.
KOTTAYAM-686505.**

**R1 & R2 BY GOVT. PLEADER SMT. LOWST A.
R3 BY ADV. SRI.VARUGHESE M. EASO, SC, M.G.UNIVERSITY
R4 & R5 BY ADV. SRI.P.GOPAL**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06-01-2015,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Mn

...2/-

WP(C).No. 14465 of 2013 (G)

APPENDIX

PETITIONERS' EXHIBITS :

- EXHIBIT-P1:** TRUE COPY OF THE APPOINTMENT ORDER DATED 14.12.2005
OF THE MANAGER.
- EXHIBIT-P2:** TRUE COPY OF THE RELIEVING ORDER DATED 28.10.2008.
- EXHIBIT-P2(a):** TRUE COPY OF THE EXPERIENCE CERTIFICATE DATED
23.3.2009.
- EXHIBIT-P3:** TRUE COPY OF THE G.O.(RT.) NO.1788/2009/H.EDN.DATED
26.10.2009 OF THE GOVERNMENT.
- EXHIBIT-P4:** TRUE COPY OF THE STATEMENT OF WORK LOAD IN THE 5TH
RESPONDENT COLLEGE DURING 2006-07.
- EXHIBIT-P5:** TRUE COPY OF THE LETTER DATED 11.12.2009 OF THE 3RD
RESPONDENT UNIVERSITY.
- EXHIBIT-P6:** TRUE COPY OF THE LETTER OF THE PRINCIPAL OF THE
COLLEGE DATED 29.1.2010.
- EXHIBIT-P7:** TRUE COPY OF THE PROCEEDINGS OF THE UNIVERSITY
DATED 16.5.2008.

RESPONDENT(S)' EXHIBITS : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

A.MUHAMED MUSTAQUE, J.

W.P.(C) No.14465 of 2013

Dated this the 6th day of January, 2015

JUDGMENT

The petitioner claims that she was appointed as Lecturer in English in the 5th respondent College with effect from 19.12.2005 to 28.10.2008 as against an admissible post. The petitioner submits that the University did not grant approval of the appointment without any reason. Accordingly, the petitioner has approached this Court.

2. In this matter, a counter affidavit has been filed by the third respondent. It is stated in paragraph-4 of the counter affidavit as follows:

“Allegations in para 1 and 2 of the writ petition are denied. As per exhibit P1 the petitioner was appointed as Lecturer w.e.f 19.12.2005 in the retired vacancy of Sri.K.K.Rajan Panicker. At that time there was no sufficient

post to accommodate her. Hence approval was not granted. As per exhibit P2 the Management has transferred her to N.S.S.College, Ottappalam. Later on the 1st respondent (Government) issued exhibit P3 post sanction order. Consequent to the said Exhibit P3 order, University intimated the matter as per exhibit P5 letter to the 4th respondent (Manager); to submit revised appointment order, appointment Statement, Seniority List of Teachers as on the date of occurrence of vacancy and the corresponding Work Load Statement as per the provisions of the University Ordinance based on the exhibit P3 Government's Post Sanction order. In addition to the above details the certificates relating to the academic qualifications of the petitioner were also sought. But the 4th respondent (Manager) did not forward the revised appointment order, Apportionment Statement and the Work Load Statement accordingly. Hence the Statutory requirements of the appointment of the petitioner could not be verified by this respondent and no approval was accorded."

3. It is further stated in paragraph-6 of the counter

affidavit as follows:

“There were only 3 permissible posts in the 5th respondent college sanctioned by the Government at that time. As per Statutes 38(7) of Part B, Chapter 45 of Mahatma Gandhi University Statutes 1997, the general transfers shall be effected only once a year and it shall be in the month of May. Hence, no teacher can be transferred to any other college in the midst of an academic year. It is humbly submitted further that the 1st respondent has issued GO(MS) No.260/2010 HEdn dated 20.08.2010 in which the first respondent created 4 additional posts in the Department of English of the 5th respondent college prospectively and the petitioner cannot claim any of these posts with retrospective effect. This University is not in a position to approve the appointment of the petitioner under the 5th respondent college unless the 4th respondent appoints her in accordance with the mandate of exhibit P3 Government order.”

4. The statement above would indicate that the 5th respondent has to comply with Ext.P3 Government Order and

re-issue the appointment order. The petitioner submits that the Manager of the 5th respondent College has already forwarded certain records.

I am of the view that the Manager has to comply with the University directions to forward revised appointment order. Therefore, the Manager has to forward a revised appointment order along with the other records as requested by the University. Therefore, there shall be a direction to the 5th respondent to issue necessary revised appointment order and other records as requested by the University in terms of Ext.P3 Government Order within a period of six weeks. Thereupon, on receipt of the same, appropriate decision shall be taken by the third respondent University within a further period of eight weeks.

The writ petition is disposed of as above.

Sd/-

A.MUHAMED MUSTAQUE, JUDGE

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