

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. 15782 of 2013 (W)

PETITIONER(S):

**PATRICIA ROBIN, LIBRARIAN, ST.MICHAELS COLLEGE,
MAYITHARA P.O., CHERTHALA
ALAPPUZHA DISTRICT - 688 539.**

**BY ADVS.SRI.R.RAJASEKHARAN PILLAI
SRI.R.SREEDHARAN NAIR
SMT.SABINA JAYAN**

RESPONDENT(S):

- 1. THE STATE OF KERALA
REPRESENTED BY THE PRINCIPAL SECRETARY
HIGHER EDUCATION DEPARTMENT
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM - 695 033.**
- 2. THE DIRECTOR OF COLLEGIATE EDUCATION,
6TH FLOOR, VIKAS BHAVAN, VIKAS BHAVAN P.O.
THIRUVANANTHAPURAM - 695 033.**
- 3. THE PRINCIPAL,
ST.MICHAELS COLLEGE, MAYITHARA P.O.
CHERTHALA - 688 539.**

R1,2 BY SENIOR GOVERNMENT PLEADER SRI.VIJU ABRAHAM

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

PJ

APPENDIX

PETITIONER(S)' EXHIBITS

- EXT.P1: TRUE COPY OF THE APPOINTMENT ORDER DATED 28/12/2012 OF THE PETITIONER
- EXT.P2: TRUE COPY OF THE RELEVANT EXTRACT OF THE REGULATIONS OF THE UGC DATED 30/6/2010.
- EXT.P3: TRUE COPY OF THE LETTER DATED 11/2/2013 FROM THE 2ND RESPONDENT TO THE 3RD RESPONDENT.
- EXT.P4: TRUE COPY OF THE COVERING LETTER OF THE 3RD RESPONDENT TO THE 2ND RESPONDENT.
- EXT.P5: TRUE COPY OF G.O.(MS) NO.62/2012/H.EDN. DATED 14/2/2012.
- EXT.P6: TRUE COPY OF THE RELEVANT EXTRACT OF THE UGC REGULATIONS DATED 26/2/2014
- EXT.P7: TRUE COPY OF THE CERTIFICATE DATED 22/1/2008 ISSUED BY THE DEPUTY REGISTRAR TO DR.G.HEMACHANDRAN NAIR
- EXT.P8: TRUE COPY OF THE LETTER DATED 8/6/98 FROM THE UNIVERSITY GRANT COMMISSIONER TO THE DEPUTY SECRETARY TO GOVT.OF KARNATAKA
- EXT.P9: TRUE COPY OF THE LETTER DATED 27/7/2003 FROM THE UGC TO THE GENERAL SECRETARY COLLEGE LIBRARIAN SELECTION GRADE FAROOK COLLEGE KERALA
- EXT.P10: TRUE COPY OF THE REPLY DATED 26/4/11 FROM THE UGC TO VINODKUMAR UNDER RTI ACT
- EXT.P11: TRUE COPY OF THE ORDER DATED 21/7/14 OF THE UGC

RESPONDENT(S)' EXHIBITS

- EXT.R2(A): A TRUE COPY OF JUDGMENT DATED 24/2/11
- EXT.R2(B): A TRUE COPY OF THE JUDGMENT DATED 6/2/13 IN WPC.6085/12.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C) No. 15782 OF 2013

Dated this the 2nd day of February, 2015

JUDGMENT

The petitioner has been appointed as a Librarian IV Grade in the 3rd respondent College. The petitioner's appointment has been declined by Ext.P3 order. It is stated therein that the petitioner crossed the age of 40 years at the time of invitation of the application on 18/4/2012. It is further stated that the IVth Grade Librarian post is a non academic post.

2. The petitioner submits that this is a academic post. He relies on Ext.P11 issued by the UGC, in which it is stated that the post of Librarian is an academic non-vocational post. The petitioner also relies on Exts.P9 and P10 to substantiate his contention that the post of Librarian is a academic post. The petitioner contended that he is entitled for age relaxation. Petitioner submits that in the light of Ext.P5 G.O.(MS) No.62/2012/G Edn. dated 14/2/2012 he,being belongs to OBC

and as per Rule 10(2)(C) of KS & SSR, is entitled for age relaxation up to 43 years. Therefore, it is submitted that the orders passed by the Authorities are illegal.

3. Obviously, the Authorities considered the post of Librarian Grade IV as a non academic post and did not apply any age relaxation to the petitioner. In view of the Government Order referred above, upper age limit is 40 years and OBC candidates are entitled for exemption up to 43 years, I am of the view that the matter requires reconsideration at the hands of the 2nd respondent after adverting to the classification of the post of Librarian Grade IV as academic non vocational post by the UGC. Necessary orders shall be passed after adverting to the necessary facts and after hearing the petitioner within a period of two months from the date of receipt of a copy of this judgment.

In view of above, Ext.P3 is set aside.

Sd/-

**A.MUHAMED MUSTAQUE,
Judge.**

dpk

/true copy/ PS to Judge.

